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Contents

Federal Register

Vol. 51, No. 154

Monday, August 11, 1986

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 51, No. 154
Monday, August 11, 1986

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Grade Standards for Flue-Cured Tobacco; Correction

AGENCY: Agricultural Marketing Service.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 86–15644, beginning on page 25027, in the issue of Thursday, July 10, 1986, concerning grade standards for flue-cured tobacco, the section number in amendment 6 and the section heading was incorrectly designated. This document corrects those designations.

FOR FURTHER INFORMATION CONTACT: Lionel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250; Telephone (202) 447–2567.

Corrections

FR Doc. 86–15644 is corrected as follows:

A. On page 25027, the language in amendment 6 which added § 29.1048 is corrected to read as follows:

"6. A new § 29.1049 is added to read as follows:".

B. The section number which now reads "§ 29.1048" in the section heading is correctly designated as "§ 29.1049".

Dated: July 31, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86–17917 Filed 8–8–86; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Parts 1064, 1102, 1106, 1108, 1126 and 1138

[Docket Nos. AO-231-A54 et al.]

Milk in the Texas and Certain Other Marketing Areas; Interim Amendments to Orders

7 CFR Parts	Marketing areas	Docket Nos.
1126	Texas	AO–231–A54
1064	Greater Kansas City	AO–23–A57
1102	Fort Smith, Arkansas	AO–237–A34–RO1
1106	Southwest Plains	AO–210–A45–RO1
1108	Central Arkansas	AO–243–A39
1138	Rio Grande Valley	AO–335–A32

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rules.

SUMMARY: This action modifies on an interim basis the plant location adjustments to prices under the Texas, Greater Kansas City, Southwest Plains and Central Arkansas milk orders based on industry proposals considered at a public hearing held March 4–7, 1986. The location adjustment provisions of the four orders are amended to conform prices under such orders with the higher Class I differentials mandated by the Food Security Act of 1985. Also, certain changes are adopted to assure the proper intra-market alignment of prices under the orders. More than the necessary two-thirds of the producers in each of the four markets has approved the interim amendments.

No changes for the Fort Smith, Arkansas and Rio Grande Valley orders are warranted on the basis of the hearing record. Amendments to the Memphis, Tennessee order were considered at the hearing also. A prior emergency final decision and an amended order to deal with the proposed changes for this market were issued separately.

This hearing proceeding reopened an earlier proceeding for the Southwest Plains and Fort Smith, Arkansas orders to consider a merger of the two orders plus an expansion of the merged marketing area to include presently unregulated territory in southwest Missouri and northwest Arkansas. The earlier proceeding was reopened for the limited purpose of receiving evidence with respect to the economic and marketing conditions which relate to the location adjustment provisions of the merged and expanded Southwest Plains marketing area. A separate decision to deal with these issues and conclude the prior proceeding for the two markets will be issued later.

EFFECTIVE DATE: September 1, 1986.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued February 14, 1986; published February 21, 1986 (51 FR 6250).

Emergency Final Decision: Issued May 8, 1986; published May 16, 1986 (51 FR 17982).

Final Order: Issued June 4, 1986; published June 10, 1986 (51 FR 20955).

Tentative Decision: Issued July 9, 1986; published July 15, 1986 (51 FR 25539).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the aforesaid orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended on an interim basis, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas; and the minimum prices specified in the orders as hereby amended on an interim basis, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended on an interim basis regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make these interim amendments to each of the aforesaid orders effective September 1, 1986. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing areas.

The interim amendments to these orders are known to handlers. The tentative decision of the Deputy Assistant Secretary containing all interim amendments to these orders was issued July 9, 1986 (51 FR 25539). The changes effected by these interim amendments will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these interim amendments to each of the aforesaid orders effective September 1, 1986, and that it would be contrary to the public interest to delay the effective date of these amendments for 30 days after publication in the **Federal Register.**

(Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of these interim amendments to each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders: and

(3) The issuance of these interim amendments to each of the specified orders is approved by more than the necessary two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1064, 1106, 1108, and 1126

Milk marketing orders, Milk, Dairy products.

Order Relative To Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

The authority citation for 7 CFR Parts 1064, 1106, 1108 and 1126 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. In § 1064.52, paragraph (a) is revised to read as follows:

§ 1064.52 Plant location adjustments for handlers.

(a) For milk received from producers at a plant located outside the marketing area and more than 70 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall in Kansas City, Missouri, or Topeka, Kansas, which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1064.50(a) shall be reduced by a per hundredweight rate of 1.7 cents for each 10 miles or fraction thereof that such plant is located from the nearer City Hall.

* * * * *

PART 1102—MILK IN THE FORT SMITH, ARKANSAS MARKETING AREA

Note.—No amendatory action taken.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. Section 1106.2 is revised to read as follows:

§ 1106.2 Southwest Plains marketing area.

The "Southwest Plains marketing area", hereinafter called the "marketing area", means all territory within the boundaries of the following counties, and all territory occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone I

In the State of Oklahoma

Caddo
Canadian
Cleveland
Coal
Garvin
Grady
Haskell
Hughes
Latimer
LeFlore
Lincoln
McClain McIntosh
Okfuskee
Oklahoma
Pittsburg
Pontotoc
Pottawatomie
Seminole
Sequoyah

Zone II

In the State of Oklahoma

Atoka
Bryan
Carter
Choctaw
Comanche
Cotton
Greer
Harmon
Jackson
Jefferson
Johnston
Kiowa
Love
Marshall
McCurtain
Murray
Pushmataha
Stephens
Tillman

Zone III

In the State of Oklahoma

Adair
Alfalfa
Beaver
Beckham
Blaine
Cherokee
Cimarron
Craig
Creek
Custer
Delaware
Dewey
Ellis
Garfield
Grant
Harper
Kay
Kingfisher
Logan
Major
Mayes
Muskogee
Noble
Nowata
Okmulgee
Osage
Ottawa
Pawnee
Payne
Roger Mills
Rogers
Texas
Tulsa
Wagoner
Washita
Washington
Woodward
Woods

Zone IV

In the State of Kansas

Allen
Barber
Barton
Bourbon
Butler
Chatauqua
Cherokee
Comanche
Cowley
Crawford
Edwards
Ellis
Harper
Harvey
Kingman
Kiowa
Labette
Marion
McPherson
Montgomery
Neosho
Pawnee
Pratt
Reno
Rice
Rush
Russell
Sedgwick
Stafford
Sumner
Wilson

In the State of Missouri

Barton
Jasper
Newton
Vernon

Zone V

In the State of Kansas

Clark	Lane
Finney	Meade
Ford	Morton
Gove	Ness
Grant	Scott
Gray	Seward
Greeley	Stanton
Hamilton	Stevens
Haskell	Trego
Hodgeman	Wichita
Kearny	

2. In § 1106.52, paragraph (a) is revised to read as follows:

§ 1106.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1106.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1106.50(a) shall be adjusted by the amount stated in paragraphs (a)(1) through (9) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1106.2, the adjustment shall be as follows:

Adjustment per Hundredweight

Zone I	No Adjustment.
Zone II	Plus 23 cents.
Zone III	Minus 18 cents.
Zone IV	Minus 47 cents.
Zone V	Minus 27 cents.

(2) For a plant located in any of the following Kansas counties, the adjustment shall be as follows:

(i) *Minus 85 cents.* Anderson, Atchison, Brown, Chase, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Marshall, Miami, Morris, Nemaha, Osage, Ottawa, Pottawatomie, Republic, Riley, Saline, Shawnee, Wabaunsee, Washington and Wyandotte.

(ii) *Minus 47 cents.* Elk, Greenwood and Woodson.

(iii) *Minus 27 cents.* Cheyenne, Decatur, Ellsworth, Graham, Jewell, Lincoln, Logan, Mitchell, Norton, Osborne, Phillips, Rawlings, Rooks, Sheridan, Sherman, Smith, Thomas and Wallace.

(3) For a plant located in the State of Missouri, the adjustment shall be as follows:

(i) *Minus 58 cents.* In the county of Barry, Butler, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Gasconade, Greene, Howell, Iron, Laclede, Lawrence, Madison, Maries, McDonald, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Phelps, Polk, Pulaski, Reynolds, Ripley, Scott, Shannon, Stoddard, Stone, Taney, Texas, Wayne, Webster or Wright.

(ii) *Minus 76 cents.* In the county of Jefferson, St. Charles, or St. Louis or in the city of St. Louis.

(iii) *Minus 85 cents.* In any other county that is outside the marketing area and also outside the designated pricing area described in paragraph (a)(3)(i) or (a)(3)(ii) of this section.

(4) For a plant located in the State of Arkansas, the adjustment shall be the difference (plus or minus) between the applicable Class I price effective at such plant location under the Central Arkansas order (Part 1108) and the Class I price specified in § 1106.50(a).

(5) For a plant located in the State of Louisiana, the plus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Greater Louisiana order (Part 1096) and the Class I price specified in § 1106.50(a).

(6) For a plant located in any of the following territory in the State of Texas, the adjustment shall be as follows:

(i) In the Texas marketing area, the plus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Texas order (Part 1126) and the Class I price specified in § 1106.50(a).

(ii) In the Texas Panhandle marketing area or in Lipscomb County, Texas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Texas Panhandle order (Part 1132) and the Class I price specified in § 1106.50(a).

(iii) In the Lubbock-Plainview, Texas, marketing area or in Parmer County, Texas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Lubbock-Plainview, Texas, order (Part 1120) and the Class I price specified in § 1106.50(a).

(iv) In the county of Bowie or Cass, the adjustment shall be plus 31 cents.

(v) In any other territory that is outside the marketing area of any Federal order and also outside the designated pricing areas described in paragraphs (a)(6) (i) through (iv) of this section, the adjustment shall be plus 2.25 cents per hundredweight for each 10 miles or fraction thereof that such plant is from the City Hall in Oklahoma City, Oklahoma (based on the shortest hard-surfaced highway distance as determined by the market administrator).

(7) For a plant located in the Rio Grande Valley marketing area and the New Mexico counties of Catron, Colfax, Hidalgo or Union, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Rio Grande Valley order (Part 1138) and the Class I price specified in § 1106.50(a).

(8) For a plant located in the State of Colorado, the adjustment shall be as follows:

(i) In the Eastern Colorado marketing area or in the county of Baca, Bent or Prowers, the adjustment shall be the difference (plus or minus) between the applicable Class I price effective at such plant location under the Eastern Colorado order (Part 1137) and the Class I price specified in § 1106.50(a).

(ii) In any other territory that is outside the Rio Grande Valley marketing area and outside the designated pricing area described in paragraph (a)(8)(i), the adjustment shall be minus 77 cents.

(9) For a plant located outside the designated pricing areas described in paragraphs (a)(1) through (8) of this section, the adjustment shall be minus 18 cents plus an additional reduction of 2.25 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the nearer of the City Hall in Tulsa or Ponca City, Oklahoma (based on the shortest hard-surfaced highway distance as determined by the market administrator).

* * * * *

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.52, paragraph (a) is revised to read as follows:

§ 1108.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1108.9(c) and which is classified as Class I milk without movement in bulk form to another pool plant at which a higher Class I price applies, the price specified in § 1108.50(a) shall be adjusted by the amount stated in paragraphs (a) (1) through (6) of this section for the location of such plant:

(1) For a plant located in the State of Arkansas, the adjustment shall be as follows:

(i) In the counties of Arkansas, Clark, Cleburne, Cleveland, Conway, Crawford, Crittenden, Cross, Dallas, Desha, Faulkner, Franklin, Garland, Grant, Hot Spring, Howard, Jefferson, Johnson, Lee, Lincoln, Logan, Lonoke, Monroe, Montgomery, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White, Woodruff, or Yell, no adjustment shall apply;

(ii) In any county lying north of any county specified in paragraph (a)(1)(i) of this section, the adjustment shall be minus 22 cents; and

(iii) In any county lying south of any county specified in paragraph (a)(1)(i) of this section, the adjustment shall be plus 31 cents.

(2) For a plant located in the State of Oklahoma or Tennessee, no adjustment shall apply.

(3) For a plant located in the Texas county of Bowie or Cass, the adjustment shall be plus 31 cents.

(4) For a plant located in the State of Louisiana, Mississippi or Texas (except the counties of Bowie and Cass), the adjustment shall be plus 2.1 cents per hundredweight for each 10 miles or fraction thereof (rounded to the nearest cent) that such plant is located from the nearer of the County Courthouse in Forrest City, Arkansas, or the State Capitol in Little Rock, Arkansas, (based on the shortest, hard-surfaced highway distance as determined by the market administrator).

(5) For a plant located in any of the following Missouri counties, the adjustment shall be minus 58 cents.

Barry	McDonald
Cedar	Ozark
Christian	Polk
Dade	Pulaski
Dallas	Stone
Douglas	Taney
Greene	Texas
Howell	Webster
Laclede	Wright
Lawrence	

(6) For a plant located outside the designated pricing areas specified in paragraphs (a) (1) through (5) of this section, the adjustment shall be minus 2.1 cents per hundredweight for each 10 miles or fraction thereof (rounded to the nearest cent) that such plant is located from the nearer of the County Courthouse in Forrest City, Arkansas, or the State Capitol in Little Rock, Arkansas (based on the shortest hard-surfaced highway distance as determined by the market administrator).

* * * * *

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. In § 1126.52, paragraph (a) is revised to read as follows:

§ 1126.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1126.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1126.50(a) shall be adjusted by the amount stated in paragraphs (a) (1) through (10) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1126.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone 1	No adjustment.
Zone 1-A	Minus 25 cents.
Zone 2	No adjustment.
Zone 3	Plus 15 cents.
Zone 4	Plus 18 cents.
Zone 5	Plus 20 cents.
Zone 6	No adjustment.
Zone 7	Plus 30 cents.
Zone 8	Plus 54 cents.
Zone 9	Plus 42 cents.
Zone 10	Plus 53 cents.
Zone 11	Plus 66 cents.
Zone 12	Plus 75 cents.

(2) For a plant located in the Texas Panhandle marketing area or in Lipscomb County, Texas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Texas Panhandle order (Part 1132) and the Class I price specified in § 1126.50(a).

(3) For a plant located in the Lubbock-Plainview, Texas, marketing area or in Parmer County, Texas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Lubbock-Plainview, Texas order (Part 1120) and the Class I price specified in § 1126.50(a).

(4) For a plant located in Bowie or Cass County, Texas, the adjustment shall be minus 20 cents.

(5) For a plant located in the State of Texas and outside the designated pricing areas described in paragraphs (a) (1) through (9) of this section, the adjustment shall be the adjustment applicable at the nearer of Corpus Christi, San Angelo, or San Antonio, Texas.

(6) For a plant located in the Rio Grande Valley marketing area or the New Mexico counties of Catron, Colfax, Hidalgo or Union, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Rio Grande Valley order (Part 1138) and the Class I price specified in § 1126.50(a).

(7) For a plant located in the Southwest Plains marketing area or in the Missouri counties listed below, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Southwest Plains order (Part 1106) and the Class I price specified in § 1126.50(a).

Barry	McDonald
Cedar	Ozark
Christian	Polk
Dade	Pulaski
Dallas	Stone
Douglas	Taney
Greene	Texas
Howell	Webster
Laclede	Wright
Lawrence	

(8) For a plant located in the State of Arkansas, the minus adjustment shall be the difference between the applicable Class I price effective at such plant location under the Central Arkansas order (Part 1108) and the Class I price specified in § 1126.50(a).

(9) For a plant located in the State of Louisiana, no adjustment shall apply.

(10) For a plant located outside the designated pricing areas described in paragraphs (a) (1) through (9) of this section, the adjustment shall be minus 2.2 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the City Hall in Dallas, Texas (based on the shortest hard-surfaced highway distance as determined by the market administrator).

* * * * *

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

Note.—No amendatory action taken.

Effective date: September 1, 1986.

Signed at Washington, DC, on August 5, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-17962 Filed 8-8-86; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 522

[No. 86-773]

Responsibility of Bank Directors

Correction

In FR Doc. 86-17635 beginning on page 28221 in the issue of Wednesday, August 6, 1986, make the following corrections:

§ 522.62 [Corrected]

On page 28222, in the second column, "552" should read "522" in amendatory instructions 4 and 5 and in the section heading immediately following.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-63-AD; Amdt. 39-5390]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 747 airplanes, which requires repetitive inspections for cracking, and repair, as necessary, of lower lobe body frames (sections 42 and 46) of the fuselage. This action is prompted by a recent finding of numerous body frame structure cracks in the lower lobe of the fuselage. Failure of the structure could lead to rapid decompression.

DATES: Effective September 17, 1986.

ADDRESSES: Information on the required inspection and copies of the applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires inspection for cracking, and repair, as necessary, of the lower lobe body frames (sections 42 and 46) of the fuselage, was published in the **Federal Register** on May 15, 1986 (51 FR 17743). The comment period for the proposal closed on July 7, 1986.

Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Comments were received from the Air Transportation Association (ATA) of America on behalf of one ATA member. The member airline questioned the need for conservative compliance periods (300 landings for aircraft with more than 12,000 landings, and 800 landings for aircraft with between 10,000 and 12,000 landings) based upon their own recent negative findings on airplanes with between 13,300 to 14,000 landings. The member also requested an increase of the proposed compliance periods to 1,000 landings for all airplanes with over 10,000 landings. This increase would allow the inspections to be performed concurrently with scheduled heavy maintenance visits. The member airline referred to those airplanes discussed in the proposed rule, that had more than 16,000 landings before significant cracking was found, as being additional justification for the requested increase in the compliance period. The FAA does not concur. The inspections of aircraft that have accumulated more than 10,000 landings, need to commence as quickly as practicable. Inspection results, reported to the FAA, disclosed that there have been six airplanes with less than 10,000 landings (one mentioned in the NPRM had 6,874 landings) that have been found to have cracking of an individual body frame, and one airplane with 12,483 cycles had significant cracking of two adjacent frames.

The FAA has reviewed and approved Revision 1 of Boeing Service Bulletin 747-53A2259, dated April 18, 1986. The revision changes certain part numbers but does not alter the applicability of the service bulletin or increase the burden of compliance for any operator. The AD has been changed to incorporate Revision 1.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change noted above and editorial changes.

It is estimated that 112 airplanes of U.S. registry will be affected by this AD, that it will take approximately 370 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,657,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule, will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 747 series airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes listed in Boeing Alert Service Bulletins 747-53A2259, Revision 1, dated April 18, 1986, and 747-53A2237, Revision 1, dated March 28, 1986, certificated in any category.

To detect cracking of body frame structure in the lower lobe (sections 42 and 46) of the fuselage, accomplish the following, unless already accomplished:

A. For airplanes listed in Boeing Alert Service Bulletin 747-53A2237, Revision 1, dated March 28, 1986:

1. Perform a detailed visual inspection for frame cracking from fuselage station 540 to 760, and 1820 to 1900, stringers 35 left to 42 left, in accordance with section III of Boeing Service Bulletin 747-53A2237, Revision 1, dated March 28, 1986, or later FAA-approved revisions, in accordance with the following schedule after the effective date of this AD:

a. Within 300 landings for airplanes that have accumulated more than 12,000 landings on the effective date of this AD.

b. Within 800 landings for airplanes that have accumulated 10,000 to 12,000 landings on the effective date of this AD.

c. Within 800 landings or prior to the accumulation of 10,000 landings, whichever occurs later, for airplanes that have accumulated less than 10,000 landings on the effective date of this AD.

2. If cracking is found, repair in accordance with FAA-approved procedures prior to further flight.

3. Repeat the inspections required by paragraph A.1., above, at intervals not to exceed 3,000 landings until terminating action is performed.

4. Modification of the frames in accordance with Boeing Service Bulletin 747-53A2237, Revision 1, dated March 28, 1986, or later FAA-approved revisions constitutes terminating action for the repetitive inspection requirement of this paragraph.

B. For airplanes listed in Boeing Alert Service Bulletin 747-53A2259, Revision 1, dated April 18, 1986:

1. Perform a visual inspection of cargo side guide support brackets from fuselage station 1500 to 1800, right and left hand side, for a proper machined taper in accordance with

section III of Boeing Service Bulletin 747–53A2259, Revision 1, dated April 18, 1986, or later FAA-approved revisions, in accordance with the following schedule after the effective date of this AD:

a. Within 300 landings for airplanes that have accumulated more than 12,000 landings on the effective date of this AD.

b. Within 800 landings for airplanes that have accumulated 10,000 to 12,000 landings on the effective date of this AD.

c. Within 800 landings or prior to the accumulation of 10,000 landings, whichever occurs later, for airplanes that have accumulated less than 10,000 landings on the effective date of AD.

2. If any cargo side guide support bracket is improperly tapered, perform a detailed visual inspection of the frame area adjacent to the untapered bracket for cracking in accordance with Boeing Service Bulletin 747–53A2259, Revision 1, dated April 18, 1986, or later FAA-approved revisions.

3. Repeat the inspections required by paragraph B.2., above, at intervals not to exceed 3,000 landings until terminating action is performed.

4. If cracking is found, repair in accordance with FAA-approved precedures prior to further flight.

5. Installation of a tapered strap adjacent to the affected brackets in accordance with Boeing Service Bulletin 747–53A2259, Revision 1, dated April 18, 1986, or later FAA-approved revisions constitutes terminating action for the repetitive inspection requirements of this paragraph.

C. For Boeing Model 747SR airplanes only, based on continued mixed operation of cabin pressure differentials, the initial inspection thresholds and reinspection intervals specified in this AD may be multiplied by a 1.2 adjustment factor.

D. For the purposes of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 2.0 psi.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressured to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 17, 1986.

Issued in Seattle, Washington, on August 4, 1986.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 86–17946 Filed 8–8–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370, 371, 373, 374, 379 and 399

[Docket No. 60607–6107]

Exports to Spain and COCOM Membership

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Spain has joined the Coordinating Committee, or COCOM, a multilateral organization that cooperates in restricting strategic exports to controlled countries. Other members of COCOM include Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom and the United States. In addition, Spain has agreed to place all of its nuclear facilities under international safeguards. As a result, the Department of Commerce is providing Spain the same favored treatment as other COCOM participating countries including, with the Department of Energy concurrence, the removal of restrictions that were applied under our nuclear non-proliferation policy. The Export Administration Regulations (15 CFR Parts 368–399) are now being amended to reflect Spain's new status as a COCOM member and the higher threshold of control for nuclear non-proliferation items destined to Spain.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Philip Markley, Country Policy, Strategic Planning and Policy Division, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone (202) 377–4439).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, like other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not contain a collection of information under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

15 CFR Part 370

Administrative practice and procedure, Spain.

15 CFR Parts 371, 373, 374, and 399

Exports, Spain.

15 CFR Part 379

Exports, Science and technology, Spain.

PARTS 370, 371, 373, 374, 379, AND 399—[AMENDED]

Accordingly, Parts 370, 371, 373, 374, 379, and 399 of the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citations for 15 CFR Parts 370 and 374 continue to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L.

99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citations for 15 CFR Parts 371, 373, 379, and 399 continue to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

§ 370.2 [Amended]

3. In § 370.2, in the definition of *COCOM (Coordinating Committee)*, add "Spain," after "Portugal," and before "Turkey".

§ 370.14 [Amended]

4. In § 370.14, add "Spain," after "Portugal," and before "Turkey".

§ 371.8 [Amended]

5. In § 371.8, in paragraph (b), add "Spain," after "Portugal," and before "Turkey".

6. Part 373 is amended by adding "Spain" in alphabetical order to Supplement No. 2, Computer-Consignee Destinations (List A).

§ 374.3 [Amended]

7. In § 374.3, in paragraph (e)(1)(ii), add "Spain," after "Portugal," and before "Turkey".

§ 379.4 [Amended]

8. In § 379.4, in the Note after paragraph (f)(2)(ii)(*c*), in the undesignated paragraph after item 2 under the Note, add "Spain," after "Portugal," and before "Turkey".

§ 399.1 [Amended]

9. In § 399.1, in the third sentence under paragraph (f)(3)(i), add "Spain," after "Portugal," and before "Turkey".

Dated: August 6, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–18035 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-DT-M

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15 CFR Part 399

[Docket No. 60471-6071]

Revision of GLV $ Value Limits; Three Entries on the Commodity Control List

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The "GLV $ Value Limit" for an entry of the Commodity Control List sets forth the maximum value of a commodity that may be exported under General (export) License GLV.

On May 29, 1985 (50 FR 21800–21801), Export Administration published a final rule that, among other changes to the Export Administration Regulations, raised the GLV $ Value Limit of entry 1746A (covering certain polymeric substances and manufactures) from $100 to $200.

On July 3, 1985 (50 FR 27420), Export Administration published a final rule making another revision to the GLV $ Value Limit, which specifically mentioned $ value restrictions on the export of police-model helmets. However, this new rule inadvertently changed the GLV $ Value Limit back to $100.

This rule revises the GLV $ Value Limit for entry 1746A to reflect the special restrictions on police-model helmets as well as the $200 GLV limit on other items.

In addition, this rule revises the GLV $ Value Limit for entries 5510D, covering doppler sonar navigation equipment, and 1542A, covering cold cathode tubes and switches. The GLV License is not applicable for exports of 5510D items to most destinations because other general export licenses may apply; the GLV license cannot be used for exports of 1542A items because the $ value limit is $0.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377–4819.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, P.O. Box 273, U.S. Department of Commerce, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not involve a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

PART 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 5510D is amended by revising the GLV $ Value Limit to read "$500 for Country Group Q. General License GLV is not applicable to other destinations; however, another general license may apply."

3. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1542A is amended by revising the GLV $ Value Limit to read "$0 to all destinations."

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids,

Petroleum Products and Related Materials), ECCN 1746A is amended by revising the GLV $ Value Limit to read "For police-model helmets containing 50% or more aromatic polyamide fiber by value, the $ value limit is $200 only to Australia, Japan, New Zealand and members of NATO and $0 to all other destinations. For items other than such police-model helmets, the $ value limit is $200 to Country Groups T & V, except $0 for the People's Republic of China; $0 for all other destinations."

Dated: August 6, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-17947 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3193]

American Academy of Optometry, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, prohibits a Washington, DC-based professional association from restricting or declaring unethical any truthful advertising, solicitation of patients or choice of a location to practice.

DATE: Complaint and Order issued July 21, 1986.[1]

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Gee, FTC/B-823, Washington, DC 20580. (202) 724-1341.

SUPPLEMENTARY INFORMATION: On Friday, May 9, 1986, there was published in the **Federal Register**, 51 FR 17197, a proposed consent agreement with analysis In the Matter of American Academy of Optometry, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.475 To restrict competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records. Subpart—Cutting Off Supplies or Service: § 13.655 Threatening disciplinary action or otherwise.

List of Subjects in 16 CFR Part 13

Advertising, Optometrists, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 86-17978 Filed 8-8-86; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket 9197]

Roy Brog; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a former chairman of the board of a Salt Lake City, Utah manufacturer and distributor of a dry milk substitute, among other things, to cease making any representations concerning the health benefits or expected shelf life for "Meadow Fresh White", a powdered, dairy-based milk substitute, or other food products, without reliable and competent substantiation. Also, respondent is prohibited from excluding some distributors in computing "average" distributor earnings without proper disclosures concerning the method of computation.

DATE: Complaint issued Sept. 10, 1985. Decision issued July 15, 1986.[1]

FOR FURTHER INFORMATION CONTACT: Lawrence Hodapp, FTC/H-238A, Washington, DC 20580. (202) 523-3860.

SUPPLEMENTARY INFORMATION: On Monday, April 28, 1986, there was published in the **Federal Register**, 51 FR 15792, a proposed consent agreement with analysis In the Matter of Roy Brog, individually and as a former officer of Meadow Fresh Farms, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages, or connections; § 13.15-60 Earnings and profits; § 13.170 Qualities or properties of product or service; § 13.170-52 Medicinal, therapeutic, healthful, etc. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1615 Earnings and profits.

List of Subjects in 16 CFR Part 13

Powdered milk products, Trade practices.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 86-17980 Filed 8-8-86; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Dkt. C-3194]

Lithium Corp. of America; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th St. and Pa. Ave., NW., Washington, DC 20580.

unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Gastonia, North Carolina chemical company from entering into any agreements fixing prices or restricting sales of any lithium product. Additionally, respondent is prohibited from acting as an agent for any lithium producer when such action might unreasonably restrain competition.

DATE: Complaint and Order issued July 22, 1986.[1]

FOR FURTHER INFORMATION CONTACT: FTC/G–402, Jerry Philpott, Washington, DC 20580. (202) 254–7051.

SUPPLEMENTARY INFORMATION: On Monday, May 5, 1986, there was published in the **Federal Register**, 51 FR 16566, a proposed consent agreement with analysis In the Matter of Lithium Corporation of America, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.433 To fix prices. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records.

List of Subjects in 16 CFR Part 13

Chemicals, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 86–17979 Filed 8–8–86; 8:45 am]

BILLING CODE 6750-01-M

[1]Copies of the Complaint and the Decision and Order are available for inspection at the Commission's Public Reference Branch, Room H–130, 6th St. & Pa. Ave., NW., Washington, DC 20580.

16 CFR Part 13

[Dkt. 8835]

United Brands Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set Aside Order.

SUMMARY: The Federal Trade Commission has set aside a 1974 order (39 FR 22139) that required respondent to file special reports with the FTC about the company's access to land commercially suitable for lettuce cultivation. The Commission ruled that any competitive issues that might be raised do not exist since respondent is no longer in the lettuce business.

DATES: Order issued May 14, 1974. Set Aside Order issued July 29, 1986.

FOR FURTHER INFORMATION CONTACT: Elliot Feinberg, FTC/L–301, Washington, DC 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of United Brands Company, a corporation.

List of Subjects in 16 CFR Part 13

Lettuce, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Order Reopening and Setting Aside Order Requiring Filing of Special Report

Commissioners: Daniel Oliver, Chairman, Patricia P. Bailey, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

In the Matter of United Brands Co., a corporation.

Issued on May 14, 1974.

By a petition filed on April 29, 1986, United Brands Company ("UBC") requests that the Commission reopen the proceeding in Docket No. 8835 and modify the Order Requiring Filing of Special Report issued by the Commission on May 14, 1974. Pursuant to § 2.51 of the Commission's Rules of Practice, UBC's petition was placed on the public record for comment. No comments were received.

Upon consideration of UBC's petition and supporting materials, and other relevant information, the Commission now finds that changed conditions of fact and the public interest warrant reopening the proceeding and setting aside the Order Requiring Filing of Special Report. The record demonstrates that the competitive concerns the order intended to address no longer exist and termination of the order to relieve UBC of compliance costs is in the public interest.

Accordingly, it is ordered that this matter be, and hereby is, reopened and that the Commission's Order Requiring Filing of Special Report be, and hereby is, set aside.

By direction of the Commission.

Issued: July 29, 1986.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 86–17977 Filed 8–8–86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Extension of Temporary Placement of 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of the narcotic substances 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The temporary scheduling of MPPP and PEPAP was due to expire on August 12, 1986. This notice will extend the time period for six months or until MPPP and PEPAP are placed in Schedule I pursuant to the scheduling procedure outlined in 21 U.S.C. 811(a), whichever occurs first.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On July 10, 1985, the Administrator of the Drug Enforcement Administration issued a final rule in the **Federal Register** temporarily placing MPPP and PEPAP into Schedule I of the CSA pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action which became effective on August 12, 1985 was based on a finding by the Administrator that the emergency scheduling of MPPP and PEPAP was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to six months. Under this provision, the temporary scheduling of MPPP and PEPAP which is due to expire on August 12, 1986 will be extended until February 12, 1987 or until the date on which a final rule, published as a result of the formal rulemaking proceeding, is effective, whichever occurs first.

Pursuant to 21 U.S.C. 811(h)(2) and since proceedings have been initiated in accordance with 21 U.S.C. 811(a)(1) to schedule MPPP and PEPAP, the Administrator hereby orders that the temporary scheduling of MPPP and PEPAP be extended to February 12, 1987 or until the conclusion of the rulemaking proceeding, whichever occurs first.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the extended scheduling of MPPP and PEPAP in Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). The substances MPPP and PEPAP have no legitimate use or manufacturer in the United States.

It has been determined that the extension of the temporary placement of MPPP and PEPAP into schedule I of the CSA under the emergency scheduling provision is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86–17948 Filed 8–8–86; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R–86–1219; FR–1776]

Changes to the Minimum Property Standards (MPS) for Care-Type Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule changes the basic structure of HUD's Minimum Property Standards for Care-Type Housing. HUD Handbook 4920.1, which contained the MPS for such structures, has been withdrawn. Instead, the Department will rely on local or State codes that a HUD Field Office has verified as being comparable to one of the national model codes, or on the provisions of nationally recognized model building codes. The requirements in HUD Handbook 4910.1, "Minimum Property Standards for Multifamily Housing" which has now been retitled "Minimum Property Standards for Housing", will now apply to care-type housing also, and provide requirements that are unlikely to be contained in local, State or model codes. These changes will preserve the quality of care-type housing and protect the Department's insurance fund while simplifying construction requirements.

This rule also deletes certain referenced standards from the MPS, and references the Uniform Federal Accessibility Standards as the design and construction criteria for handicapped persons.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Mark W. Holman, Manufactured Housing and Construction Standards Division, Room 9152, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–8000, telephone (202) 755–6590. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Section 232 of the National Housing Act, 12 U.S.C. 1715w, as amended by section 437 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, 97 Stat. 1153, 1222, authorizes the Secretary of Housing and Urban Development "to insure any mortgage which covers a new or rehabilitated nursing home or intermediate care facility or combined nursing home and intermediate care facility or a board and care home. . . ." (*See* 12 U.S.C. 1715w[d]). The Secretary may insure such mortgages "upon such terms and conditions as he may prescribe. . . ." (*See* 12 U.S.C. 1715w[c]). Similarly, section 242 and Title XI of the National Housing Act authorize the Secretary to insure mortgages covering hospitals and group practice facilities. Such mortgages may be insured under such terms and conditions as the Secretary may prescribe (*See* 12 U.S.C. 1715z–7, 12 U.S.C. 1749aaa–1749aaa–5). Accordingly, the Secretary prescribed standards for determining the acceptability of care-type housing for purposes of mortgage insurance by issuing the Minimum Property Standards (MPS) for Care-Type Housing. The MPS for Care-Type Housing were published as HUD Handbook 4920.1, and were incorporated into the Department's regulations by authority of 24 CFR 200.927.

On February 15, 1985, the Department published at 50 FR 6359 a proposed rule to change the basic structure of the MPS. That rule proposed that the Department eliminate HUD Handbook 4920.1, which contains the MPS for care-type housing, and instead rely upon acceptable local or State codes or designated nationally recognized model building codes to provide the health and safety criteria for care-type housing. The rule also proposed that the Department apply the requirements of the MPS for Multifamily Housing in HUD Handbook 4910.1 to care-type housing as well. Finally, the rule proposed to revise the MPS in Handbook 4910.1 to reflect the inclusion of care-type housing and appropriate standards that are referenced in the MPS and in Appendix A of 24 CFR Part 200.

The Department has evaluated these proposed changes in light of the recent amendment to section 526 of the National Housing Act, 12 U.S.C. 1735f–4 by section 405 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, 97 Stat. 1153 (1983). As amended, section 526(b) permits the Secretary to require, with respect to health and safety, that properties other than manufactured homes "comply with one of the nationally recognized model building codes, or with a State or local building code based on one of the nationally recognized model building codes or their equivalent." The Secretary is "responsible for determining the comparability of the State and local codes to such model codes. . . ."

I. The Final Rule

A. General

As stated in the February 15, 1985 proposed rule, the Department is withdrawing the handbook which contains the MPS for care-type housing. In its place, the Minimum Property Standards for Multifamily Housing, 24 CFR 200.925a–c, have been changed to serve as the Minimum Property Standards for care-type housing. Essentially, this has been accomplished by amending the language of 24 CFR 200.925a–c so that it applies both to multifamily and to care-type structures.

Under §§ 200.925a–c, as now changed, HUD will rely upon local or State codes or nationally recognized model codes to provide most of the criteria for its care-type construction standards. The Department will rely upon a local or State code only after it has been determined by the Department to be comparable to one of the nationally recognized model building codes or its equivalent. In some areas, the Department may partially accept a local or State code. In such areas, the Department will rely upon the local or State code, plus those provisions of one of the nationally recognized model codes identified by the local HUD Field Office in accordance with the table set forth in Appendix J of HUD Handbook 4910.1, now retitled "Minimum Property Standards for Housing" and identified in § 200.929(b)(2). In areas where a local or State code has not been accepted or partially accepted by the Department, the Department will require compliance with one of the nationally recognized model codes identified in 24 CFR 200.925c(a).

In all instances, the Department will require compliance with the standards retained in HUD Handbook 4910.1, which has been retitled "MPS for Housing." In this handbook, the Department has set forth standards relating to durability, energy and certain other matters. The handbook has been changed so as to be consistent with this rule. Copies of the changes will be provided automatically by the Government Printing Office to previous purchasers of the Handbook and to others upon request.

For a discussion of the application of §§ 200.925a–c, the standard for determining the comparability of local and State codes and other relevant matters, see the preamble to the final changing the Minimum Property Standards for Multifamily Housing, 49 FR 18690, May 1, 1984.

In order for a code to be approved for multifamily structures, the residential portions of the code must be reviewed and accepted. Similarly, in order for a code to be accepted for care-type structures, the institutional portions of the code must be reviewed and accepted. Therefore, if a jurisdiction's code has been accepted for the construction of multifamily structures, that jurisdiction's code will still have to be reviewed to determine whether it is acceptable for the construction of care-type structures.

It should be noted that the Department of Health and Human Services (HHS) requires, as a condition for participation in the Medicare Program, that care-type structures comply with the requirements of the Life Safety Code, National Fire Protection Association (NFPA) 101 or a State code that is deemed adequate. This final rule would not affect HHS requirements.

B. Referenced Standards

As stated in the proposed rule of February 15, 1985, the final rule changes the design and construction criteria for handicapped persons that were in HUD Handbook 4910.1. Instead of requiring compliance with the "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People" that are in ANSI A117.1–80 as published by the American National Standards Institute (ANSI), the Department will reference the Uniform Federal Accessibility Standards (UFAS) at 24 CFR Part 40, Appendix A, and delete the reference to ANSI A117.1–80 in 24 CFR Part 200, Appendix A. Certain aspects of design and construction applicable to housing for the elderly would also comply with the UFAS.

The final rule also deletes the reference in Appendix A of 24 CFR Part 200, and in the MPS, to ANSI A208.1–79 "Mat Formed Wood Particleboard". The Department has determined that, without additional coating or processing, this material is not appropriate for exterior wall finishes.

C. One and Two Family MPS

The Department has decided to retitle HUD Handbook 4910.1 "MPS for Housing", instead of "MPS for Multifamily and Care-Type Housing", and to incorporate the rules for one and two family dwellings, at 24 CFR 200.926, as Appendix K in Handbook 4910.1. Including the rules for one and two family dwellings in the Handbook will make referencing them easier for builders and other users of both documents.

II. Public Comments

The Department received 28 comments. Two supported the proposed rule without change while the remainder requested changes to the following energy efficiency, fire safety, accessibility or carpet provisions.

A. Energy Efficiency

Both the proposed and final rules, in adopting the MPS for Multifamily Housing, require compliance with provisions of the CABO Model Energy Code, 1983 Edition (*See* Minimum Property Standards for Housing, Handbook 4910.1, section 607–1.1). In addition, the MPS for Multifamily Housing contains a specific provision which deals with the energy efficiency of masonry buildings. That provision permits the energy design of a property to take into consideration thermal mass of building components only to the extent that the Department is provided with empirical evidence that "quantifies the effect of thermal mass with respect to the specific geographical location in question and with respect to the specific type of construction in question." *Id.*, section 607–1.2.

Twenty-one of the twenty-eight public comments concerned the method for determining the energy efficiency of masonry buildings. The primary issue raised by these commenters was that buildings with heavy-weight masonry components should be provided with a prescriptive way to receive credit for the effects of masonry on building energy efficiency. They suggested that Appendix J of the Standard Building Code would be an acceptable method for calculating the effects of masonry thermal mass, and requested that it be incorporated in the final rule as an acceptable method for providing the "empirical evidence" required by section 607–1.2 of Handbook 4910.1, referenced in the proposed rule. The procedures contained in Appendix J of the Standard Building Code attempt to quantify a complex phenomenon. The Department has concluded, however, that these procedures lack a sufficient engineering basis to justify their acceptance.

In the final rule changing the MPS for Multifamily Housing (49 FR 18690, May 1, 1984), the Department concluded that some difference in requirements may be appropriate, based upon the greater mass of masonry structures. However, the Department was unable at that time to determine exactly what differences would be appropiate for various types of construction in different parts of the country. Since publication of that rule, the Department has not obtained the information and data necessary to permit it to make this determination now.

Information regarding thermal mass has been and still is being developed by organizations such as the Department of Energy, the National Bureau of Standards, Oak Ridge National Laboratories and Lawrence Berkeley Laboratory. In addition, the Department expects that the American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE) and other similar organizations will eventually develop standards for thermal mass effects. When additional data and information are available, HUD will be in a position to complete work related to thermal mass and provide a prescriptive way to present "empirical evidence".

HUD, in the interim, does not wish to preclude energy credits being given for thermal mass and continues to believe that this can best be done on a case-by-case basis. The Department of Energy, the National Bureau of Standards, Oak Ridge National Laboratories and Lawrence Berkeley Laboratory believe that reasonably accurate thermal mass analysis can be obtained using the DOE II and BLAST computer programs, which are available to the public sector. Such analysis has been, is and can be used to develop the empirical data required by section 607–1.2 of Handbook 4910.1.

The Department has therefore concluded that the energy efficiency requirements contained in the MPS for Multifamily Housing are appropriate as well for care-type housing as proposed.

Some commenters also asked that HUD retain Local Acceptable Standards (LAS's) for masonry thermal mass in Arizona and Florida until HUD completes work related to the thermal mass issue. HUD will continue to retain LAS's for thermal mass in Arizona and Florida until it completes work related to this issue.

B. Fire Safety

Two commenters were concerned because some fire resistance ratings in model codes are less restrictive than those now in the MPS for Care-type Housing. The commenters were particularly concerned about the ratings for unprotected wood frame construction, rated construction between patient rooms, and compartmentation.

Several nursing home fires in the early seventies prompted improvements in fire safety features such as smoke detectors, sprinkler systems and compartmentation. HUD's means of improving the MPS, however, did not always match other standard setters' methods of accomplishing the same end. Care-type housing that has been built since then with either the improvements in the MPS or model codes, however, has had an excellent fire safety record.

The Department has reviewed these improved fire safety requirements in the model codes, in detail, and found them to provide protection to nursing home patients that is comparable to that previously provided by the MPS for Care-type Housing. Therefore, the Department has concluded that it would be appropriate to rely upon the fire safety requirements of the model codes referenced in the MPS, HUD Handbook 4910.1.

C. Accessibility

Two comments concerned HUD's decision to reference the Uniform Federal Accessibility Standards (UFAS) in the proposed rule. One comment supported the proposed rule. The other comment recommended that HUD continue to reference the ANSI (American National Standards Institute) accessibility standard used in most model, State and local building codes and thereby minimize unnecessary conflicts and possible increased costs.

Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act of 1968, however, require federally funded buildings to comply with UFAS, a standard that now differs little from the recently revised ANSI standard. Although all housing assisted by HUD is not federally funded, additional regulations for other housing assisted by HUD would be confusing. HUD has therefore decided to reference UFAS for all housing as proposed.

D. Carpet

One commenter asked whether or not the proposed rule included a reference to HUD's Use of Materials Bulletin (UM) 44c as the standard for carpet. The comment stressed the importance that such a reference be included because it is the only national standard for carpet.

Section 509–4 in HUD Handbook 4910.1 now requires carpet to comply with UM 44c. With this final rule, Handbook 4910.1 will continue to reference UM 44c.

III. Miscellaneous Information

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule does not alter the current practice by which care-type housing is designed or constructed. This rule will generally reduce the existing burden of compliance for both small and large entities. In all cases, care-type structures must be built in compliance with local codes. Upon the effective date of this rule, the Department generally will accept such compliance as satisfying the Department's concerns relating to the health and safety aspects of those structures.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of Rules Docket Clerk at Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

This rule was listed as Sequence Number 854 in the Department's Semiannual Agenda of Regulations published on April 21, 1986 at 51 FR 14036 under the Executive Order 12291 and the Regulatory Flexibility Act.

Paperwork Reduction Act

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0321.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, 24 CFR Part 200 is amended as follows:

PART 200—INTRODUCTION

Subpart S—Minimum Property Standards

1. The authority citation for 24 CFR Part 200 is revised to read as follows:

Authority: Titles I and II of the National Housing Act (12 U.S.C. 1701–1715z–18); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Subpart G is issued under sec. 214, Housing and Community Development Act of 1980, as amended by sec. 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a).

2. Section 200.925a is amended by revising the section heading and paragraph (c) introductory text, and adding the OMB number to the end of the section to read as follows:

§ 200.925a Multifamily and care-type minimum property standards.

* * * * *

(c) *Standard for Evaluating Local Building Codes.* The Secretary shall compare the portions of a local or State building code applicable to residential or institutional occupancy, as appropriate, submitted under § 200.925a(d) to the list of construction related areas contained in § 200.925b.

* * * * *

(Approved by the Office of Management and Budget under OMB control number 2502–0321)

3. Section 200.925b is amended by revising the section heading to read as follows:

§ 200.925b Residential and institutional building code comparison items.

4. Section 200.925c is amended by revising paragraph (b)(1)(i) to read as follows:

§ 200.925c Model codes.

* * * * *

(b) * * *

(1) * * *

(i) Those provisions of the model codes that do not pertain to residential or institutional buildings.

* * * * *

5. 24 CFR Part 200 is revised by removing the word "multifamily" and inserting, in its place, the words "multifamily or care-type" wherever the word appears in each of the sections listed below:

§ 200.925a(a) introductory text, (d)(1)(i)(A), (d)(3)(i), and (ii).

§ 200.925c(b)(1) introductory text, and (ii), and (c) introductory text.

6. Section 200.929 is amended by revising paragraph (b)(2) as set forth below, by removing paragraph (b)(3), and by redesignating paragraph (b)(4) as new (b)(3), and amending newly redesignated paragraph (b)(3) by changing the reference to "paragraphs (b) (1), (2), and (3) of this section" to read "paragraphs (b) (1) and (2) of this section".

§ 200.929 Description and identification of minimum property standards.

* * * * *

(b) * * *

(2) MPS for Housing 4910.1, 1984 edition with changes. This volume applies to buildings and sites designed and used for normal multifamily occupancy, including both unsubsidized and subsidized insured housing, and to caretype housing insured under the National Housing Act.

* * * * *

7. Appendix A to Part 200 is changed by removing the references to "ANSI A117.1–80, Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," and "ANSI A208.1–79, Mat Formed Wood Particleboard", and by changing the title to read as follows:

Appendix A to Part 200—Standards Incorporated by Reference in the Minimum Property Standards for Housing. (HUD 4910.1)

Dated: July 31, 1986.

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing–Deputy Federal Housing Commissioner.

[FR Doc. 86–17920 Filed 8–8–86; 8:45 am]

BILLING CODE 4210–27–M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 251 and 255

[Docket No. R–86–1207; FR–1768]

Multifamily Housing Mortgage Insurance Assignment of Interests in Insured Mortgages

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends 24 CFR 207.261, 251.106 and 255.106 to permit an insured mortgagee (or coinsured lender) to transfer partial interests in an insured (or coinsured) multifamily mortgage or pool of multifamily mortgages through a mortgage participation agreement, without prior HUD consent. These transfers are subject to certain conditions designed to preserve the rights, benefits, and obligations of affected parties.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: James T. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Room 6180, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 426–3970 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: HUD's regulation at 24 CFR 207.261(e) governs transfers of partial interests in insured multifamily housing mortgages through the use of mortgage participation agreements or arrangements. Under this regulation, an approved mortgagee may transfer a partial interest in an insured multifamily mortgage through a participation agreement or arrangement without the approval of the Federal Housing Commissioner if: (1) The insured mortgage is held by an approved mortgagee (principal mortgagee) subject to the inspection and supervision of a government agency authorized to make periodic audits; (2) the principal mortgagee retains a stated beneficial interest in the insured mortgage; (3) the holders of the partial interests fall within a described class; and (4) the participation agreement provides that the principal mortgagee will remain the holder of record and that the Commissioner will have no obligation to deal with any party except the mortgagee of record.

On October 10, 1984, the Department published a proposed rule to amend § 207.261 (49 FR 39688). The proposed rule would add a new paragraph (f). This paragraph would permit the sale or transfer of beneficial interests in all or any portion of an insured multifamily mortgage or pool of mortgages, without HUD approval, through the sale of mortgage participation certificates. The sale or transfer would be subject to the following conditions: (1) The insured mortgage or mortgages must be held by an approved mortgagee subject to the inspection and supervision of a government agency authorized to make periodic audits; (2) the insured mortgagee must retain legal title to the mortgage; and (3) the agreement under which the interest is transferred will provide that the insured mortgagee will remain the mortgagee of record, that neither HUD nor the mortgagor will have any obligation to recognize or deal with any party except the mortgagee of record (or a servicing agent in the case of the mortgagor), and that the mortgage documents will remain in the custody of the insured mortgagee (or a custodial

agent). HUD believed that this amendment would encourage the addition of capital into the mortgage markets by permitting insured mortgagees to more freely transfer interests in insured mortgages.

Interested parties were invited to submit comments by December 10, 1984. HUD received four comments, all of which indicated support for the proposed rule. However, based on commenters' suggested changes, the final rule differs from the proposed rule in some material respects, as discussed below.

Transfer Under Participation Agreements or Arrangements

The proposed rule would apply to transfers made through mortgage participation certificates. Transfers of interests under other forms of participation agreements or arrangements would be subject to the more rigorous requirements of 24 CFR 207.261(e). While the commenters generally supported the addition of new paragraph (f), some urged the Department to make similar changes to the provisions governing transfer of interests under other forms of mortgage participation agreements and arrangements.

We agree. There is no legal need to distinguish between the interest created by a transfer under a mortgage participation agreement or arrangement and that created under a mortgage participation certificate. Nor can the Department identify any compelling policy justification for treating these transfers differently. Accordingly, the final rule has been revised to apply the same requirements for all transfers of partial interests under participation agreements or arrangements.

Applicability to Parts 251 and 255

The proposed amendments were applicable to Part 207 and did not affect Part 251—Coinsurance for the Construction or Substantial Rehabilitation of Multifamily Housing Projects, and Part 255—Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects. One commenter urged that the changes to Part 207 should also be reflected in these two parts.

The notice of proposed rulemaking did not specifically state that the proposed rule would be applicable to coinsured mortgages. However, the purpose of the proposed rule was to encourage the addition of capital into the mortgage market by liberalizing the procedures requiring prior HUD approval for the transfer of interests in multifamily mortgages. Since the provisions governing the sale and assignment of coinsured mortgages under parts 251 and 255 are similar to and based upon the procedures in existing § 207.261, and since the amendment of Parts 251 and 255 procedures will also further the announced purpose of adding capital to the mortgage market, the Department has concluded that the suggested changes are within the scope of this rulemaking and should be incorporated in this final rule.

The extension of this rule to coinsured mortgages should not have a significant detrimental impact on any party since the requirements for transfer are generally less stringent than provided under existing rules. Moreover, in the past HUD has approved, on a case-by-case basis, the transfer of partial interests in coinsured mortgages through mortgage participation agreements that do not meet the stated requirements of § 251.106 or § 255.106. HUD has found that its interests and the interests of the mortgagor and the holders of the partial interests can be adequately protected by the restrictions included in this amendment to § 207.261, as discussed below. These conditions are included in the amendments to Parts 251 and 255.

In addition to the conditions imposed in § 207.261, the coinsurance provisions also include conditions designed to alert potential investors concerning the nature of the interest that they have acquired. Mortgagees holding mortgages under Part 207 are insured by a Federal Housing Administration insurance fund against risk of significant loss under the contract of mortgage insurance. Thus, if the participants share in the insurance payments in the same manner as the mortgage payments, these mortgagees do not pass a risk of significant loss to the transferee under a mortgage participation arrangement. Under the coinsurance programs, however, the coinsuring lender assumes a risk of significant loss and may effectively pass this risk to holders of participating interests, unless the participation agreement or arrangement provides that the holders are entitled to receive funds other than the insurnace payment. In the past, this situation was acceptable because the coinsurance provisions permitted transfers to a limited class of more sophisticated investors (*ie.*, lenders approved by the Commissioner or qualified pension funds, retirement funds and profit sharing plans). The final coinsurance regulations adopted here, however, include no restrictions on the class of transferees. The Department fears that many of these new, potentially unsophisticated, transferees may confuse the coinsurance programs with other FHA mortgage insurance programs, or otherwise may be unaware of their risk of loss under the coinsurance program.

To alert these investors to their potential risk, the coinsurance regulations require that the instrument under which the interest in the coinsured mortgage is transferred (including such documents as the declaration of trust, participation agreement and participation certifiate) disclose: (1) That the coinsured lender has assumed a specified portion of the risk of loss on the insured mortgage or pool or mortgages; (2) whether the transfer will shift any portion of this risk of loss to the holder of the partial interest; and (3) that no FHA-administered insurance fund will pay benefits to protect against any risk of loss assumed by the coinsured lender and transferred to any holder of the partial interest.

Protection of GNMA interests

The final rule contains two clarifying changes affecting the Government National Mortgage Association (GNMA).

Existing § 207.261 does not address the transfer of interests in, or assignment of, mortgages backing GNMA securities. Existing coinsurance regulations, on the other hand, include conditions specifically designed to protect the interests of GNMA in similar transactions. (*See* §§ 251.106(d) and 255.106(d), redesignated as §§ 251.106(c) and 255.106(c) in this final rule.) The Department is concerned that the presence of GNMA requirements in Parts 251 and 255 and the absence of any similar requirements in Part 207 erroneously suggest that mortgages under Part 207 are assignable and partial interests are transferable, without regard to GNMA. To correct this potential ambiguity, GNMA's existing policies regarding such sales and transfers have been incorporated in revised § 207.261(f).

Additionally, this final rule clarifies the GNMA requirements for the assignment of, and the transfer of partial interests in, coinsured mortgages under Part 255. Currently, Part 255 requires GNMA approval for the assignment of coinsured mortgages that are used to back securities guaranteed by GNMA. The regulation does not, however, contain provisions to protect GNMA interests in transactions involving the transfer of *partial* interests in such mortgages. This rule adds a provision (§ 255.106(c)(2)) providing GNMA safeguards similar to those provided in §§ 207.261(f) and 251.106(c)(2) with respect to such partial interests. Any

partial interest in the coinsured mortgage must terminate as of the time of release (delivery) of GNMA guaranteed Project Loan Certificates. No partial interest may exist in a mortgage backing GNMA Project Loan Certificates. (Unlike § 251.106, revised § 255.106 does not refer to GNMA Construction Loan Certificates, because coinsured mortgages under Part 255 involve the purchase or refinancing of existing multifamily projects. Thus, these mortgages are not used to back such certificates.)

While these two technical changes were not included in the proposed rule, the Department has concluded that it is unnecessary to seek public comment on these issues. These amendments are relatively minor and should have an insignficant impact. They represent a mere codification of existing GNMA policy. No one should be affected by this change since all parties are already acting under the policy expressed in the revision.

Form of Agreement

Two commenters suggested that the final rule should be revised to provide specifically that partial interests may be transferred under either a trust agreement or a participation agreement.

As long as the substantive requirements of the rule are satisifed, the type of participation agreement or arrangement employed to transfer the partial interest is not restricted by the Department. For clarity, however, the final rule will specifically refer to transfers "under a participation agreement or arrangement (such as a declaration of trust or the issuance of pass-through certificates)."

Periodic Examination of Books and Accounts of Holder-Mortgagee

As proposed, § 207.261(f)(1) would require that legal title to the insured mortgage or mortgages must be held by an approved mortgagee "subject to the inspection of a governmental agency authorized by law to make periodic examinations of its books and accounts." One commenter suggested that the inspection requirement be eliminated.

This inspection requirement essentially limits the class of qualified transferors to supervised mortgagees under 24 CFR 203.3. Upon reconsideration, the Department has concluded that as long as a mortgagee satisfies the requirements necessary to maintain its FHA-approved mortgagee status, a further test of eligibility is not necessary. (This result is in accordance with other HUD regulations governing the transfer of interests under participation agreements, e.g., 24 CFR 203.435(a), 203.495(a), 251.106(c)(1)(i) and 255.106(c)(1)(i). These latter two regulations have been redesignated as §§ 251.106(b)(1) and 255.106(b)(1) in this rule.) The final rule has been amended accordingly.

Perfection of Security Interests

Under the proposed regulations, HUD requires that legal title to, and custody of, the insured mortgage remain with the insured mortgagee or an agent of the insured mortgagee.

One commenter objected to this requirement claiming that "institutional investors and lenders purchasing beneficial interest certificates in the insured mortgage, or a trustee acting for such purchasers, would require a perfected, first lien security interest in the collateral of the insured mortgage and its proceeds. Depending on local law, such perfection may require a recorded assignment for security purposes and delivery of the mortgage documents for security purposes to the trustee or secured party." The commenter urged a revision which would "permit a perfected security assignment in the holder of 100% of the beneficial interest in the mortgage while maintaining the role of the HUD-approved mortgagee of record." This recommendation is not adopted in the final rule.

Under local law, perfection of the security interest usually requires the transferee to obtain custody of the mortgage documents, assignment of the mortgage and endorsement of the note, and recordation of these items in appropriate land records. Despite the fact that these actions would be made only for security purposes, the legal effect of these actions is that the transferee becomes the mortgagee under the insured loan. To protect HUD's interests and to assure that such transferees are capable of fulfilling their duties under the contract of insurance, it has been HUD's consistent policy to permit such transfers only under §§ 207.261 (c) or (d), 251.106(a) or 255.106(a).

Moreover, the Department is not convinced that this rule is unworkable without the proposed revision. As noted above, HUD has approved, on a case-by-case basis, a number of transfers of 100 percent of the beneficial interest in mortgages. These transfers have been successfully consummated without the changes suggested by the commenter.

Miscellaneous

This final rule has eliminated the requirement that the principal mortgagee or principal lender must retain custody of the mortgage documents. The Department has concluded that this requirement is overly restrictive in light of the remaining requirements that legal title to the insured mortgage or mortgages must be held by the principal mortgagee (or principal lender). Other minor editorial and clarifying changes have been made to the text of the final rule.

Findings

This rule does not constitute a "major rule" as that term is term is defined in section 1(b) of Executive Order 12291 on Federal Regulations issued on February 17, 1981. Analysis of the rule indicates that it will not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, at the address listed above.

Under 5 U.S.C. 605 (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a siginficant economic impact on a substantial number of small entities. The final rule merely liberalizes present procedure by eliminating the need to request prior HUD approval for certain transfers of partial interests in multifamily mortgages.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The OMB control number is 2502–0331.

This rule was listed as item 864 in the Department's Semiannual Agenda of Regulations published on April 21, 1986 (51 FR 14036, 14059) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are: 14.134, 14.135, 14.137 and 14.155.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 251

Mortgage insurance, Coinsurance of multifamily mortgages.

24 CFR Part 255

Mortgage insurance, Coinsurance of multifamily mortgages.

Accordingly, 24 CFR Parts 207, 251 and 255 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The authority citation for Part 207 continues to read as follows:

Authority: Secs. 207 and 211 of the National Housing Act (12 U.S.C. 1713 and 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 207.261 is amended by revising paragraphs (e) and (f) to read as follows:

§ 207.261 Assignment of insured mortgages.

* * * * *

(e) *Transfer of partial interest under participation agreement.* A partial interest in an insured mortgage or pool of insured mortgages may be transferred under a participation agreement or arrangement (such as a declaration of trust or the issuance of pass-through certificates), without obtaining the approval of the Commissioner, if the following conditions are met:

(1) Legal title to the insured mortgage or mortgages shall be held by an approved mortgagee which, for the purposes of this paragraph (e), shall be referred to as the principal mortgagee;

(2) The participation agreement, declaration of trust or other instrument under which the partial interest is transferred shall provide that: (i) The principal mortgagee shall remain mortgagee of record under the contract of mortgage insurance; (ii) the Commissioner shall have no obligation to recognize or deal with anyone other than the principal mortgagee with respect to the rights, benefits, and obligations of the mortgagee under the contract of insurance; and (iii) the mortgagor shall have no obligation to recognize or do business with anyone other than the principal mortgagee or its servicing agent with respect to rights, benefits, and obligations of the mortgagor or the mortgagee under the mortgage.

(f) *Government National Mortgage Association requirements.* (1) If the insured mortgage is used to back securities guaranteed by the Government National Mortgage Association (GNMA), GNMA approval is required for the assignment of the pooled mortgage.

(2) When an insured mortgage is to be in a GNMA mortgage pool backing one or more GNMA Project Loan Certificates, the mortgagee-issuer and the holder of a partial interest under paragraph (e) of this section must certify that the interest shall terminate as of the release (delivery) of the Project Loan Certificates. No partial interest may exist in mortgages backing GNMA Construction Loan Certificates or GNMA Project Loan Certificates.

* * * * *

PART 251—COINSURANCE FOR THE CONSTRUCTION OR SUBSTANTIAL REHABILITATION OF MULTIFAMILY HOUSING PROJECTS

3. The authority citation for Part 251 is revised to read as follows:

Authority: Secs. 211 and 244, National Housing Act (12 U.S.C. 1715b and 1715z(9); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Section 251.106 is revised to read as follows:

§ 251.106 Assignment of and participation in coinsured mortgages.

(a) *Assignment of coinsured mortgage.* (1) A lender may assign a coinsured mortgage to another lender if the following requirements are satisfied:

(i) The assignee is a HUD-approved coinsuring lender;

(ii) The lender shows good cause for the assignment;

(iii) The Commissioner finds that the assignment is for good cause and that there will be no disadvantage to HUD; and

(iv) The Commissioner gives prior written approval for the assignment and any risk allocation between assignor and assignee.

(2) The lender must inform HUD promptly following the assignment of any coinsured mortgage. The lender will not be relieved of its obligation to pay Mortgage Insurance Premiums until HUD has received this notice.

(b) *Transfer of partial interest under participation agreement.* A partial interest in a coinsured mortgage or pool of coinsured mortgages may be transferred under a participation agreement or arrangement (such as a declaration of trust or the issuance of pass-through certificates), without obtaining the approval of the Commissioner, if the following conditions are met:

(1) Legal title to the coinsured mortgage or mortgages shall be held by an approved coinsuring lender, which shall for purposes of this paragraph (b), be referred to as the principal lender;

(2) The participation agreement, declaration of trust or other instrument under which the partial interest is transferred shall provide that: (i) The principal lender shall remain the lender of record under the contract of coinsurance; (ii) the Commissioner shall have no obligation to recognize or do business with anyone other than the principal lender with respect to the rights, benefits and obligations of the lender under the contract of coinsurance; and (iii) the mortgagor shall have no obligation to recognize or do business with anyone other than the principal lender or its servicing agent with respect to the rights, benefits and obligations of the mortgagor or the lender under the coinsured mortgage; and

(3) The participation agreement, declaration of trust or other instrument under which the interest is transferred shall disclose: (i) That the principal lender has assumed a stated percentage of the risk of loss under the coinsured mortgage or mortgages; (ii) whether the transfer of the partial interest will shift any portion of the risk of loss to the holder of the partial interest; and (iii) that no insurance fund administered by HUD will pay benefits to protect against any risk of loss assumed by the principal lender and transferred to the holder of the partial interest.

(c) *Government National Mortgage Association requirements.* (1) If the Coinsured Mortgage is used to back securities guaranteed by the Government National Mortgage Association (GNMA), GNMA approval is required for the assignment of the pooled mortgage.

(2) When a coinsured mortgage is to be in a GNMA mortgage pool backing one or more GNMA Project Loan Certificates, the lender-issuer and the holder of a partial interest under paragraph (b) of this section must certify that the interest shall terminate as of the release (delivery) of the Project Loan Certificates. No partial interest may exist in mortgages backing GNMA Construction Loan Certificates or GNMA Project Loan Certificates.

(Approved by the Office of Management and Budget under OMB Control Number 2502-0331)

PART 255—COINSURANCE FOR THE PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS

5. The authority citation for Part 255 is revised to read as follows:

Authority: Secs. 211 and 244, National Housing Act (12 U.S.C. 1715b and 1715z(9); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

6. Section 255.106 is revised to read as follows:

§ 255.106 Assignment of and participation in coinsured mortgages.

(a) *Assignment of coinsured mortgage.* (1) A lender may assign a coinsured mortgage to another lender if the following requirements are satisfied:

(i) The assignee is a HUD-approved coinsuring lender;

(ii) The lender shows good cause for the assignment;

(iii) The Commissioner finds that the assignment is for good cause and that there will be no disadvantage to HUD; and

(iv) The Commissioner gives prior written approval for the assignment and any risk allocation between assignor and assignee.

(2) The lender must inform HUD promptly following the assignment of any coinsured mortgage. The lender will not be relieved of its obligation to pay mortgage insurance premiums until HUD has received this notice.

(b) *Transfer of partial interest under participation agreement.* A partial interest in a coinsured mortgage or pool of coinsured mortgages may be transferred under a participation agreement or arrangement (such as a declaration of trust or the issuance of pass-through certificates), without obtaining the approval of the Commissioner, if the following conditions are met:

(1) Legal title to the coinsured mortgage or mortgages shall be held by an approved coinsuring lender, which shall for purposes of this paragraph (b), be referred to as the principal lender;

(2) The participation agreement, declaration of trust or other instrument under which the partial interest is transferred shall provide that: (i) The principal lender shall remain the lender of record under the Contract of Coinsurance; (ii) the Commissioner shall have no obligation to recognize or do business with anyone other than the principal lender with respect to the rights, benefits or obligations of the lender under the Contract of Coinsurance; and (iii) the mortgagor shall have no obligation to recognize or do business with anyone other than the principal lender or its servicing agent with respect to the rights, benefits and obligations of the mortgagor or the lender under the coinsured mortgage; and

(3) The participation agreement, declaration of trust or other instrument under which the interest is transferred shall disclose: (i) That the principal lender has assumed a stated percentage of the risk of loss under the coinsured mortgage or mortgagees; (ii) whether the transfer of the partial interest will shift any portion of the risk of loss to the holder of the partial interest; and (iii) that no insurance fund administered by HUD will pay benefits to protect against the risk of loss assumed by the principal lender and transferred to the holder of the partial interest.

(c) *Government National Mortgage Association Requirements.* (1) If the coinsured mortgage is used to back securities guaranteed by the Government National Mortgage Association (GNMA), GNMA approval is required for the assignment of the pooled mortgage.

(2) When a coinsured mortgage is to be in a GNMA mortgage pool backing one or more Project Loan Certificates, the lender-issuer and the holder of a partial interest under paragraph (b) of this section must certify that the interest shall terminate as of the release (delivery) of the Project Loan Certificates. No partial interest may exist in mortgages backing GNMA Project Loan Certificates.

(Approved by the Office of Management and Budget under OMB Control Number 0502-0331)

Dated: August 6, 1986.

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 86-18079 Filed 8-8-86; 8:45 am]

BILLING CODE 4210-27-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 511

[Docket No. R-86-1302; FR-2254]

Rental Rehabilitation Program; Revision to Mandatory Deobligation of Grant Amounts and Other Miscellaneous Revisions

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: The current regulations require that HUD deobligate any rental rehabilitation grant amounts that are not committed to specific local projects within two years of receipt by the grantee (three years, if a State distributed the grant amount to State recipients) or are not expended for eligible costs within four years of receipt by the grantee (five years, if a State distributed the grant amount to State recipients). This rule provides that, on a case-by-case basis, HUD may extend for one year any of these time periods. This revision is intended to avoid deobligation of grant amounts in situations where the grantee's overall administrative performance has been sound and the amounts are likely to be used by the original grantee within the extended period. HUD retains discretionary authority to deobligate grant amounts that are not committed to specific local projects in conformity with the schedule submitted by the grantee as part of its program description. In addition, this rule makes a change to conform the rental rehabilitation regulations to an amendment to the authorizing legislation effected by the Technical Amendments Act of 1984 and revises the formula for calculating allocations to permit data for areas eligible for assistance under Title V of the Housing Act of 1949 to be used in calculating allocations for urban counties and cities.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the **Federal Resister.**

FOR FURTHER INFORMATION CONTACT: Mary Kolesar, Acting Director, Rental Rehabilitation Division, Office of Urban Rehabilitation, Room 7164, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-7000, telephone (202) 755-5970. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 17 of the United States Housing Act of 1937 (the 1937 Act), 42 U.S.C. 1437o, established the Rental Rehabilitation Program. This Program provides grants to States and units of general local government to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes. The program is designed to increase the supply of standard housing units affordable to lower income families. This objective is achieved by: (1) Providing Rental

Rehabilitation grant amounts to assist in the rehabilitation of existing units, and (2) authorizing the use of rental housing assistance, provided under section 8 of the 1937 Act, to lower income families to help them afford the rent for units in projects assisted with program funds, or to find alternative housing. The program was implemented by interim regulations published on April 20, 1984, at 49 FR 16936.

Extension of Periods That Trigger Mandatory Deobligation of Grant Amounts Provision

Section 17(b)(3) of the 1937 Act authorizes the Secretary "to reallocate such amounts among grantees . . . in carrying out activities under this section in accordance with their specified schedules. Reallocations under this paragraph shall be designed to encourage use of these resources expeditiously, consistent with the sound development and administration of the grantees' rental rehabilitation programs."

Reallocations are governed by 24 CFR 511.33. As noted in § 511.33(a), grant amounts that are available for reallocation come from three sources—(1) Formula allocations that are not received by eligible cities, urban counties or consortia; (2) deobligations of grant amounts based on the progress of a grantee in carrying out its rental rehabilitation program, as provided in § 511.33(c); and (3) actions based upon reviews and audits as provided in Subparts H and I of Part 511.

This rule revises the conditions under which grant amounts may be deobligated under § 511.33(c). Section 511.33(c), as promulgated by the interim rule, gives HUD the discretion to deobligate grant amounts that are not committed to specific local projects in conformity with the schedule submitted by the grantee, and identifies several factors which will be considered in determining whether to deobligate grant amounts. Paragraph (c) also provides that HUD must deobligate any rental rehabilitation grant amounts that are not committed to specific local projects within two years of receipt by the grantee (three years, if a State distributed the grant amounts to State recipients) or are not expended within four years of receipt by the grantee (five years, if a State distributed the grant amounts to State recipients). None of the public comments submitted in response to the interim rule concerned § 511.33.

The Department, based upon its experience in administering the rental rehabilitation program, believes that it is in the interest of sound program administration to have the ability to extend by one year the respective time periods that trigger the mandatory deobligation of rental rehabilitation grant amounts. In an attempt to avoid this mandatory deobligation provision under the original time periods, certain grantees could enter into commitments before they had completely developed sound programs or thoroughly evaluated project feasibility. In addition, other grantees that have developed sound programs and have committed some, but not all, of their grant amounts could lose grant amounts that ultimely could be more expeditiously used if these grantees were given additional time, rather than if the grant amounts were reallocated to other grantees. Adding the authority to extend, on a case-by-case basis, the periods that trigger the requirement to deobligate grant amounts should minimize the risk of inappropriate deobligations. The revision does not affect HUD's discretionary authority to deobligate grant amounts that are not committed to specific local projects in conformity with the schedule submitted by the grantee as part of its program descriptions.

The Department, therefore, is revising § 511.33(c) by adding a sentence to paragraph (c), that provides that HUD, on a case-by-case basis, may extend by one year any of the time periods that trigger the requirement to deobligate grant amounts.

Conforming Rule Revision Based on the Technical Amendments Act of 1984

Section 511.50 of the Interim rule authorizes a State that elects to administer a Rental Rehabilitation Program to carry out eligible activities: (1) In cities having populations of less than 50,000, and (2) in cities and urban counties whose allocations are below the minimum allocation amount provided in § 511.31. Section 511.50 implemented section 17(e)(1) of the 1937 Act as originally enacted. Section 103(e)(1)(B) of the Housing and Community Development Technical Amendments Act of 1984 (Pub. L. 98–479) amended the range of section 17(e)(1) of the United States Housing Act of 1937 by eliminating reference to "cities with populations of less than fifty thousand" and substituting "units of general local government and areas of the State that do not receive allocations under subsection (6)." This rule revises § 511.50 to conform to this statutory amendment.

Neither the statutory amendment nor the conforming rule revision affects the prohibition against using State program (either State-administered or HUD-administered) rental rehabilitation grant resources in areas that are eligible for assistance under Title V of the Housing Act of 1949 (42 U.S.C. 1471). It should be noted that a jurisdiction that is notified of an allocation of less than $50,000 and elects under § 511.31(b) (as revised at 51 FR 20221, June 3, 1986) *not* to receive its allocation may participate in the State program. Any allocation below $50,000 that is not received by a city, urban county or consortium is added to the allocation for the State program in which the city, urban county or consortium is located. Such an allocation, as any other allocation to the State program, may not be used in a Title V-eligible area, no matter where the Title V-eligible area is located.

Limiting Exclusion of Title V-Eligible Area Data to States and Consortia Formula Allocations

Section 17(b) provides that the Secretary shall allocate rental rehabilitation funds based on a formula prescribed by the Secretary by regulations, taking into account various "objectively measurable conditions" and "excluding data relating to . . . areas eligible for assistance under Title V of the Housing Act of 1949." Section 511.30(d) currently provides that HUD will exclude data concerning rental units located in Title V-eligible areas from *all* formula allocations. HUD, however, in each notice of formula allocations that has been published since the inception of the Rental Rehabilitation Program, has waived § 511.30(d) to avoid the exclusion of Title V-eligible area data in determining urban county and city allocations. The Department took these actions because excluding Title V-eligible area data tends to understate urban county allocations, viewed on a per capita basis, and adversely affects achievement of the purposes of the Rental Rehabilitation Program.

Because the statutory prohibition on the use of rental rehabilitation funds in Title V-eligible areas applies only to State allocations (see section 17(e)(1) of the 1937 Act), section 17(b) may be construed as excluding Title V-eligible area data only from the calculation of formula allocations for States and for consortia. (Consortia are subject to the exclusion of Title V data because an allocation to a consortium is deducted from the allocation to the State in which the units of general local government making up the consortium are located. If consortia were not covered, the Title V limitations on State allocations could be circumvented by the formation of consortia with Title V-eligible areas.)

None of the public comments submitted in response to the interim rule

concerned the scope of the exclusion of Title V-eligible area data in determining formula allocations. The Department is revising § 511.30(d) to exclude Title V-eligible area data that apply to areas that are included in the determination of formual allocations for States and consortia, namely, areas that are not located within cities having populations of 50,000 or more or within urban counties. These Title V-eligible area data are excluded from both the total national data and the data for a State or a consortium. This revision enables the Department to determine formula allocations as it has in the past but without the need for waiving § 511.30(d).

Other Information

A Finding on No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it would not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entitites, because statutorily eligible grantees and State recipients are relatively larger cities, urban counties or States, and the rental rehabilitation grant amounts to be made available to any grantee are relatively small in relation to other sources of Federal funding for State and local government and in relation to private investment in rental housing.

The subject matter of this rulemaking action relates to grants and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions containing such subject matter to public comment either before or after effectiveness of the action, notwithstanding the statutory exemption.

The Secretary has determined that notice and prior public procedure is unnecessary and that good cause exists for making this rule effective as soon after publication as possible. The revision to § 511.50 merely conforms that section to section 17(e)(1) of the 1937 Act, as amended by section 103(e)(1)(B) of the Technical Amendments Act of 1984. No additional public comment is needed with respect to the revision of the deobligation requirement in § 511.33(c), since the public had the opportunity to comment on this provision in the interim rule and it was reasonably foreseeable that the Department might alter the mandatory deobligation provision. Public comment is not needed with respect to the narrowing of the prohibition of use of Title V-area data in calculating formula allocations under § 511.30(d), because this last revision conforms the rule to the practice the Department has been following since the inception of the program.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 21, 1986, (51 FR 14036) under Executive Order 12291 and the Regulatory Flexibili'y Act.

The Catalog of Federal Domestic Assistance program number is 14 230.

List of Subjects in 24 CFR Part 511

Administrative practice and procedure, Grant programs—Housing and community development, Low and moderate income housing, Rental rehabilitation grants, Reporting and recordkeeping requirements.

Accordingly, the Department amends 24 CFR 511 as follows:

PART 511—RENTAL REHABILITATION GRANT PROGRAM

The authority citation for Part 511 continues to read as follows:

Authority: Sec. 17, U.S. Housing Act of 1937 (42 U.S.C. 1437o); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 511.30, paragraph (d)(1) is revised to read as follows:

§ 511.30 Allocation formula.

* * * * *

(d) *Calculating the formula.* (1) The formula is an equation with the data for each entity referred to in paragraph (a) of this section expressed as a numerator for each factor and the total national data for each factor expressed as a denominator. This ratio is then multiplied by the amount available for allocation. Data for areas eligible for assistance under Title V of the Housing Act of 1949 (Title V-eligible area data) are excluded from the data for a State or a consortium. Title V-eligible area data for States and consortia are also excluded from the total national data.

* * * * *

3. In § 511.33, paragraph (c) is revised to read as follows:

§ 511.33 Reallocation of rental rehabilitation grant amounts.

* * * * *

(c) *Progress in carrying out rental rehabilitation programs.* Begining in fiscal year 1985, HUD may deobligate rental rehabilitation grant amounts that are not committed to specific local projects in conformity with the schedule submitted by the grantee as part of its program description. Before deobligating grant amounts, HUD will consult with the affected grantee and take into account factors such as the timing of the grantee's program year (including the effect of any delays in obligation of funds by HUD); a reasonable start-up time for implementing a new program; if applicable, the timing of State distributions to State recipients; the timing of expected project approvals for projects in the grantee's pipeline; climatic or other considerations affecting rehabilitation work schedules; and other relevant considerations. HUD will deobligate any rental rehabilitation grant amounts that are not committed to specific local projects within two years of receipt by the grantee (three years in the case of a State that distributes rental rehabilitation grant amounts to State recipients) or expended for eligible rehabilitation costs within four years of receipt by the grantee (five years in the case of State that distributes rental rehabilitation grant amounts to State recipients, HUD, on a case-by-case basis, may extend for an additional year any of the time periods referred to in the preceding sentence.

* * * * *

4. Section 511.50 is revised to read as follows:

§511.50 State election to administer a rental rehabilitation program.

Rental rehabilitation grant allocations for States, determined under Subpart D for any fiscal year, will be administered by the State (as provided in § 511.51) or by HUD (as provided by § 511.52), at the election of the State. HUD will administer the allocation for any State

that does not notify the responsible HUD field office of its election to administer its allocation within 30 days of the date stated in a written notification to the State of its allocation for each fiscal year. State allocations may be used to carry out eligible rehabilitation activities in accordance with the requirements of this part in units of general local government that do not receive allocations under § 511.30 and in cities and urban counties whose allocations are below the minimum amount specified in §511.31, but may not be used in areas that are eligible for assistance under Title V of the Housing Act of 1949.

Dated: August 6, 1986.

Alfred C. Moran,

Assistant Secretary for Community Planning and Development.

[FR Doc. 86-18078 Filed 8-8-86; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 86-1102]

Marine Events on the Colorado River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish special local regulations during all the current annual marine events on the Lower Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona). Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during each event.

EFFECTIVE DATE: These regulations become effective on July 31, 1986.

FOR FURTHER INFORMATION CONTACT: YN3 Tracy Dolan, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822-5399, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Due to the annual nature, publicity, and tradition of these events, adequate public notice has been given. Therefore, proposed rules were not published in advance.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 86-1102) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are YN3 Tracy Dolan, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The Eleventh Coast Guard District boundaries encompass the Colorado River, from the Glen Canyon National Recreation Area to the Mexican border. The Coast Guard shares concurrent jurisdiction of the river with various Federal, state and local agencies. Numerous recreational marine events are held throughout the year, and coordinating these events becomes a complex and time consuming task in which many entities become affected. A Coast Guard-National Park Service agreement exists for both the Glen Canyon and Lake Mead National Recreational Areas. Applicants shall contact the cognizant authority for approval of events in these areas.

Each year various Yacht Clubs, Associations, and Chambers of Commerce sponsor marine events on the Colorado River, especially between Davis Dam and Headgate Dam. These events usually consist of high speed boat races involving a large number of participants. Because of the annual nature of these events, the Coast Guard has decided to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations to facilitate in the planning and organization for these events in the future. The Coast Guard will provide the public full and adequate notice of these events by publicizing them in the Eleventh Coast Guard District Local Notice to Mariners.

Due to the nature of these events, a potential hazard to navigation exists. It is necessary to control vessel traffic to avoid any potential mishap; regulated areas will be established, and vessels desiring to transit these areas may do so only during the times specified and/or with clearance from a designated official vessel.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary, since the regulated areas will be in effect for a short period of time.

In addition, the added tourism to these areas stimulates economic growth and usually mitigates the economic impact and/or inconveniences imposed on a minute number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. By adding a § 100.1102 to read as follows:

§ 100.1102 Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).

(a) *General.* Sponsors are informed that ample lead time is required to inform all Federal, state, local agencies and/or other interested parties and to provide the sponsor the best support to ensure the safety of life and property. A Coast Guard-National Park Service agreement exists for both the Glen Canyon and Lake Mead National Recreational Areas; applicants shall contact the cognizant authority for approval of events in these areas.

(b) The following Special Local Regulations will be issued for the events listed in Table 1. Further information on exact dates, times, and details concerning number and type of participants and an exact geographical description of the areas will be published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list, contact: Commander (oan), Eleventh Coast Guard District, 400 Oceangate Blvd., Long Beach, CA 90822-5399.

(c) *Special local regulations:* All persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state, local law enforcement, and/or sponsor provided vessels assigned and/or approved by Commander, Eleventh Coast Guard District, to patrol each event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given. Failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Eleventh Coast Guard District. As the Commander's representative, the Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and property. The Patrol Commander may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Table 1

National Jet Boat Association Regatta

Sponsor: National Jet Boat Association
Date: 3 weekend events between February and June; 3 weekend events between September and December
Where: that portion of Lake Moovalya, Parker, Arizona between Headgate Dam and 1.5 miles north.

Parker Enduro

Sponsor: Parker Area Chamber of Commerce
Date: Early weekend in March
Where: that portion of Lake Moovalya, Parker, Arizona between river miles 179 and 185 (between the Roadrunner Resort and Headgate Dam).

Bullhead City Boat Drags

Sponsor: Sunshine Promotions
Date: 2 to 4 weekend events between March and October
Where: that portion of the Colorado River starting from the entrance of Riviera Marina, Riviera, Arizona to 2200 feet north.

Laughlin Classic

Sponsor: Laughlin Chamber of Commerce
Date: Weekend in May or June
Where: that portion of the Colorado River at Laughlin, Nevada, from the Pioneer Hotel to the Edgewater Hotel.

Parker Thanksgiving Regatta

Sponsor: Southern California Speedboat Club
Date: Four-day event during Thanksgiving
Where: that portion of Lake Moovalya, Parker, Arizona between the northern and southern boundries of La Paz County Park.

Lake Havasu Waterski Shows

Sponsor: Lake Havasu Waterski Club
Date: Various 2 hour weekend shows throughout the year
Where: that portion of the Bridgewater Channel, Lake Havasu, Arizona, 200 yards north and south of the London Bridge.

Lake Havasu Classic

Sponsor: Havasu Sports Federation
Date: 5 day event during Thanksgiving weekend
Where: that portion of Thompson Bay, Lake Havasu, Arizona starting approximately 100 yards on bearing of 130° T off Spectator Point, thence due north approximately 2200 yards, thence due west approximately 2400 yards, thence back to the starting point.

Campbell Boat Owners Association Regatta

Sponsor: Campbell Boat Owners Association
Date: Weekend in September
Where: that portion of Thompson Bay, Lake Havasu, Arizona starting approximatley 100 yards on bearing of 130° T off Spectator Point, thence due north approximately 2200 yards, thence due west approximately 2400 yards, thence back to the starting point.

Dated: July 31, 1986.

A. Bruce Beran,

Rear Admiral, U.S. Coast Guard—Commander, Eleventh Coast Guard District.

[FR Doc. 86-17778 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5-86-18]

Temporary Deviation From Drawbridge Operation Regulations for Bridge Across Atlantic Intracoastal Waterway, at Core Creek, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule; temporary deviation.

SUMMARY: The Coast Guard has granted a temporary deviation from the regulations for the drawbridge across the Atlantic Intracoastal Waterway at mile 195.8, Core Creek, at Beaufort, North Carolina. The purpose of this deviation from the regulations is to allow the project contractor for the U.S. Army Corps of Engineers, the owner of the bridge, to repair the bridge. The repairs are expected to be completed in less than 60 days.

DATES: This temporary deviation from the regulations becomes effective on July 14, 1986, and will terminate upon completion of the work and further public notice. A definite termination date for completion of the work cannot be given because the extent of the repairs is not know at this time.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Fifth Coast Guard District (804) 398-6222.

SUPPLEMENTARY INFORMATION: *Drafting information:* The drafters of this notice are Ann B. Deaton, project officer, and LT Wade A. Mitchell, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Deviation From Drawbridge Regulations

In consideration of the foregoing, the regulations in § 117.5 of Title 33, Code of Federal Regulations, do not apply to the bridge across the Atlantic Intracoastal Waterway, mile 195.8, at Core Creek, Beaufort, North Carolina.

From Monday through Friday, the bridge will be closed to boat traffic from 10 a.m. to 3 p.m. The bridge will open for boat traffic on the hour and the half-hour from 6 a.m. to 10 a.m., and again from 3 p.m. to 7 p.m. From 7 p.m. to 6 a.m., the bridge will open on signal. On weekends, the bridge will open on signal from 7 p.m. on Friday through 6 a.m. on Monday.

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g), 117.35.

Dated: July 30, 1986.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 86-17781 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 40557-6118]

Miscellaneous Amendments of Trademark Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending the rules of practice in trademark cases to correct two cross-references and a spelling error; to bring §§ 2.104 and 2.112(a) into conformity with sections 13 and 14 of the Trademark Act; to make § 2.114(c), which relates to the withdrawal of a petition for

cancellation, consistent with corresponding § 2.106(c), which relates to the withdrawal of an opposition; and to specify that the Trademark Trial and Appeal Board may, in its discretion, grant a § 2.132(a) motion even if the motion was filed after the opening of the testimony period of the moving party.

EFFECTIVE DATE: September 10, 1986.

FOR FURTHER INFORMATION CONTACT: Miss Janet E. Rice by telephone at (703) 557–3551 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Miss Janet E. Rice, Crystal Square 5, Suite 1008, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: Amendments to §§ 2.1, 2.101, 2.104, 2.112, 2.114, 2.132, and 2.145 were proposed in a rulemaking notice published in the **Federal Register** on June 11, 1984 at 49 FR 24033 and in the *Official Gazette* of July 3, 1984 at 1044 O.G. 2. Interested parties were requested to submit written comments on or before July 18, 1984. Written comments were submitted by one individual and one organization.

The purpose of these amendments is to make three "housekeeping" corrections; to bring the language of two rules into conformity with the corresponding provisions of the Trademark Act of 1946; and to modify a particular practice.

Several of the rules of practice in trademark cases were amended, effective February 27, 1983, by a final rule notice published in the **Federal Register** on January 28, 1983 at 48 FR 3972 and in the *Official Gazette* of February 22, 1983 at 1027 O.G. 129. A substantial number of other rules of practice in trademark cases were amended, effective June 22, 1983, by final rule notice published in the **Federal Register** on May 23, 1983 at 48 FR 23122 and in the *Official Gazette* of June 21, 1983 at 1031 O.G. 13. As a result of these rule amendments, three further rule amendments of a "housekeeping" nature are now necessary. First, because the rule amendments included changes in some section numbers and in the location of some provisions, the cross-reference portions of §§ 2.1 and 2.145(d)(1) are being corrected. Second, § 2.101(b), as amended effective February 27, 1983, contains a spelling error which is being corrected. Third, § 2.114(c), which relates to the withdrawal of a petition for cancellation, is being amended so that it will be consistent with § 2.106(c), as amended effective June 22, 1983, which relates to the withdrawal of an opposition.

Additionally, § 2.104 (which lists the content requirements for an opposition) and § 2.112(a) (which lists the content requirements for a petition for cancellation) are being amended to bring them into conformity with sections 13 and 14 of the Trademark Act. These amendments are being made as a result of a comment contained in the recent case of Selva & Sons, Inc. v. Nina Footwear, Inc., 705 F.2d 1316, 217 USPQ 641 (Fed. Cir. 1983). The comment, which appears in footnote 6 at page 648, reads as follows:

> 37 CFR 2.112 commands that a petition for cancellation "set forth a short and plain statement showing how the petitioner is or will be damaged by the registration." This directive is not, however, reflective of 15 USC 1064, which states that a petition to cancel the registration of a mark may be filed "by any person who *believes* that he is or will be damaged by the registration." (Emphasis ours.) Nor is it consistent with recent case law, discussed infra.

Finally, § 2.132, as amended effective June 22, 1983, permits any party in the position of defendant to file a motion to dismiss for failure to take testimony where plaintiff has either (1) failed to take testimony or offer any other evidence (§ 2.132(a)) or (2) offered no evidence other than copies of Patent and Trademark Office records and such evidence is insufficient to show that upon the law and the facts plaintiff is entitled to relief (§ 2.132(b)). Paragraph (c) of the section, adopted effective June 22, 1983, provides that any motion filed under paragraph (a) or (b) must be filed before the opening of the testimony period of the moving party. However, in those cases where a plaintiff's testimony period has expired and plaintiff has in fact failed to take testimony or offer any other evidence in his behalf, it is in the interests of justice and judicial economy to grant a motion to dismiss under § 2.132(a) even if the motion was not filed until after the opening of the defendant's testimony period. Accordingly, the Patent and Trademark office is amending Rule § 2.132(c) to specify that the Trademark Trial and Appeal Board may grant such a motion even if the motion was not filed until after the opening of the testimony period of the moving party.

Discussion of Specific Sections Being Changed

Section 2.1 provides in part that §§ 1.1 to 1.26 of Part I of Title 37 of the Code of Federal Regulations are applicable to trademark cases except such parts thereof which specifically refer to patents and except § 1.22 to the extent that it is inconsistent with §§ 2.85(e), 2.101(c) or 2.162(d). However, the pertinent provisions in § 2.101(c) were relocated in modified form in § 2.101(d) by amendment effective February 27, 1983. Further by amendment effective February 27, 1983, § 2.111(c) adopted provisions which amplify that part of § 2.85(e) relating to petitions for cancellation. Accordingly, the cross-reference portion of § 2.1 is being amended by changing "§ 2.101(c)" to "§ 2.101(d)" and by adding a cross-reference to § 2.111(c).

Section 2.101(b) is being amended by changing the spelling of the word "Principle" to "Principal".

Section 2.104 is being amended by deleting the requirement that the opposition "set forth a short and plain statement showing how the opposer would be damaged by the registration of the opposed mark" and substituting therefor a requirement that the opposition "set forth a short and plain statement showing why the opposer believes he would be damaged by the registration of the opposed mark." The substitute requirement is in conformity with Section 13 of the Trademark Act, which states that any person "who believes that he would be damaged by the registration of a mark upon the principal register" may file an opposition in the Patent and Trademark Office.

Section 2.112(a) is being amended by deleting the requirement that the petition to cancel "set forth a short and plain statement showing how the petitioner is or will be damaged by the registration" and substituting therefor a requirement that the petition to cancel "set forth a short and plain statement showing why the petitioner believes he is or will be damaged by the registration." The substitute requirement is in conformity with section 14 of the Trademark Act, which states that a petition to cancel the registration of a mark may be filed "by any person who believes that he is or will be damaged by the registration."

Section 2.114(c), which provides in part that after an answer to a petition for cancellation is filed the petition may not be withdrawn without prejudice except with the consent of the registrant, is being amended to require the *written* consent of the registrant. The requirement is in conformity with the existing practice under § 2.114(c) and consistent with § 2.106(c), which, as amended effective June 22, 1983, provides in part that after the answer to an opposition is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

Section 2.132(c), which provides that any motion filed under paragraph (a) or (b) of the section must be filed before the opening of the testimony period of the moving party, is being amended to specify that the Trademark Trial and Appeal Board may in its discretion grant a motion filed under paragraph (a) even if the motion was filed after the opening of the testimony period of the moving party.

Section 2.145(d)(1), which governs the time for filing an appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action, provides in part that if a request for rehearing or reconsideration or modification of the decision is filed within the time specified in § 2.129(c) or § 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. Prior to June 22, 1983, § 2.129(c) governed the filing of any request for rehearing or reconsideration or modification of a decision of the Trademark Trial and Appeal Board, including a decision on a motion which is finally dispositive of a case. However, under the trademark rules as amended effective June 22, 1983, a request for rehearing or reconsideration or modification of a decision issued after final hearing is governed by § 2.129(c), but a request for rehearing, etc., of a decision on a motion which is finally dispositive of a case is governed by § 2.127(b). Accordingly, § 2.145(d)(1) is being amended to include a cross-reference to § 2.127(b).

Response to Comments on the Rules

Comments responding to the notice of proposed rulemaking were submitted by the committee of one organization and by one individual. These comments have been given careful consideration. However, the only suggested modification has not been adopted.

Comment: The organization's committee indicated that while it believed that some of the proposed amendments would have a substantive effect on practice before the Patent and Trademark Office, it found no reason not to endorse their enactment.

Response: The Patent and Trademark Office agrees that some of the amendments will have a substantive effect on practice before the Office.

Comment: With respect to the proposal to amend §§ 2.104 and 2.112(a) to bring them into conformity with the language of sections 13 and 14 of the Act relating to standing, i.e., to require that an opposition and a petition for cancellation, respectively, set forth a short and plain statement showing why the plaintiff believes he would be damaged by the registration of the mark in question, one individual, noting "... the recent changes in the 'standing' doctrine from a 'damage' showing to a 'real interest in the proceeding' showing, . . .", suggested that it might be less confusing if the two rules were amended to provide that opposers and petitioners must set forth a statement showing why (or how) they have "a real interest in the proceeding" rather than why they believe they will be damaged.

Response: The suggested modification is appealing because it reflects current case law. Nevertheless, since case law interpretation of statutory provisions is subject to change, it is concluded that the better approach is to incorporate into the rules the statutory wording, rather than case law language. Further, inasmuch as the "real interest" language is a legal concept which has no specific meaning apart from case law, it appears that the statutory "belief in damage" language is the more readily understandable way of expressing the standing requirement. Accordingly, the suggested modification has not been adopted.

Environmental, energy, and other considerations: The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The General Counsel has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354). The rule change includes no additional or increased fees. Substantive rights to use valuable trademarks are not adversely affected.

This rule change does not contain a collection of information requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than § 100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no significant, adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subject Terms in 37 CFR Part 2

Administrative practice and procedures, Courts, Lawyers, Trademark.

After consideration of the comments received and pursuant to the authority contained in Section 41 of the Trademark Act of July 5, 1946, as amended, and in 35 U.S.C. 6, Part 2 of Title 37 of The Code of Federal Regulations is amended as set forth below.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for Part 2 is revised to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 6, unless otherwise noted.

2. Section 2.1 is revised to read as follows:

§ 2.1 Sections of Part 1 applicable.

Sections 1.1 to 1.26 of this chapter are applicable to trademark cases except such parts thereof which specifically refer to patents and except § 1.22 to the extent that it is inconsistent with §§ 2.85(e), 2.101(d), 2.111(c) or § 2.162(d). Other sections of Part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

3. Section 2.101 is amended by revising paragraph (b) to read as follows:

§ 2.101 Filing an opposition.

* * * * *

(b) Any person who believes that he would be damaged by the registration of a mark on the Principal Register may oppose the same by filing an opposition which should be addressed to the Trademark Trial and Appeal Board.

* * * * *

4. Section 2.104 is revised to read as follows:

§ 2.104 Contents of opposition.

The opposition must set forth a short and plain statement showing why the opposer believes he would be damaged by the registration of the opposed mark and state the grounds for opposition. A duplicate copy of the opposition, including exhibits, shall be filed with the opposition.

5. Section 2.112 is amended by revising paragraph (a) to read as follows:

§ 2.112 Contents of petition for cancellation.

(a) The petition to cancel must set forth a short and plain statement showing why the petitioner believes he is or will be damaged by the registration, state the grounds for cancellation, and indicate the respondent party to whom notification shall be sent. A duplicate copy of the petition, including exhibits, shall be filed with the petition.

* * * * *

6. Section 2.114 is amended by revising paragraph (c) to read as follows:

§ 2.114 Answer.

* * * * *

(c) The petition for cancellation may be withdrawn without prejudice before the answer is filed. After the answer is filed, the petition may not be withdrawn without prejudice except with the written consent of the registrant.

7. Section 2.132 is amended by revising paragraph (c) to read as follows:

§ 2.132 Involuntary dismissal for failure to take testimony.

* * * * *

(c) A motion filed under paragraph (a) or (b) of this section must be filed before the opening of the testimony period of the moving party, except that the Trademark Trial and Appeal Board may in its discretion grant a motion under paragraph (a) even if the motion was filed after the opening of the testimony period of the moving party.

8. Section 2.145 is amended by revising paragraph (d)(1) to read as follows:

§ 2.145 Appeal to court and civil action.

* * * * *

(d) Time for appeal or civil action. (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is sixty days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a request for rehearing or reconsideration or modification of the decision is filed within the time specified in §§ 2.127(b), 2.129(c) or 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty day period or thirty days after action on the request, whichever is later. The sixty and thirty day periods may be extended by the Commissioner upon a showing of sufficient cause.

* * * * *

Dated: June 20, 1986.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 86-17998 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 33

[OA-FRL-3062-6]

Asbestos Hazard Abatement (Schools) Program

AGENCY: Environmental Protection Agency.

ACTION: Deviation from rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a class deviation from the provision of 40 CFR 33.250, 33.305 and 33.310 of its Procurement Under Assistance Agreements regulation to permit recipients of assistance agreements for EPA's Asbestos Hazard Abatement (Schools) Program to use the Small Purchase Procurement procedures of 40 CFR Part 33 where appropriate if the aggregate amount involved in any one procurement transaction does not exceed $25,000 including overhead and profit. The deviation from 40 CFR 33.250 extends only to transactions not exceeding $25,000. The deviation is limited to procurements to be funded under agreements entered into during Fiscal Year 1986.

DATE: The class deviation became effective August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Paul F. Wagner, Grants Administration Division (PM-216), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. (202) 382-5292.

Dated: August 4, 1986.

Howard M. Messner,

Assistant Administrator for Administration and Resources Management.

Dated: July 31, 1986.

John A Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-17974 Filed 8-8-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC-349-FC]

Medicare Program; Reasonable Charge Limitations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This final rule implements section 9304(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 which enacted section 1842(b)(8) of the Social Security Act (Act). In accordance with section 1842(b)(8) of the Act, we specify the circumstances under which HCFA or its Medicare Part B carriers will consider establishing special reasonable charge payment limits for services (including supplies and equipment) reimbursed under Part B of the Medicare program. The rule describes the factors HCFA or a carrier will consider and the procedures it will follow in establishing them. The limits would be either an upper limit to correct a grossly excessive charge or a lower limit to correct a grossly deficient charge. In either case, the limit would be either a specific dollar amount, or a special method used in determining reasonable charges to be allowed for a particular service or category of service.

The purpose of this rule is to establish a stronger framework for setting special reasonable charge limits for services when the standard reimbursement methodology results in payments that are grossly excessive or deficient. A related purpose is to protect the Medicare program from excessive outlays and to prevent any adverse effects on both Medicare beneficiaries and consumers in general that we believe would result from a lack of such limits. The rule also will protect suppliers from reimbursement that is grossly deficient.

DATES:

Effective Date: These regulations are effective September 10, 1986. (See section IV for a discussion of the effect of these rules on existing special limits.)

Comment period: Although these regulations are final, we will consider comments on the material that concerns reasonable charge amounts that are deficient (42 CFR 405.502(g)(1)(ii)) and special limits set by carriers. These provisions were not included in the proposed rule and are being issued in final for the reasons explained in section

IV. Waiver of Proposed Rulemaking in the Supplementary Information, below. We will consider comments on that material only and revise the regulations as necessary. To be considered, comments must be received at the appropriate address, as provided below, no later than 5:00 p.m. on October 10, 1986.

ADDRESSES:

Mail comments to the following address:
Health Care Financing Administration, Department of Health and Human Services. Attention: BERC–349–FC, P.O. Box 26676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC

or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–349–FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Ave. SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT:
Ronald Wren, (301) 594–7107.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1842(b)(3) of the Social Security Act requires that all payments under Part B of the Medicare program must be reasonable.

Reasonable charge determinations under Part B are generally based on customary and prevailing charges derived from historic charge data. The reasonable charge for a service is generally the lowest of (1) the actual charge, (2) the customary charge made by a particular supplier, or (3) the prevailing charge, which is set at the 75th percentile in the range of customary charges for similar services in the locality. For nonphysician medical services, the reasonable charge is the lowest of four factors. These include the three factors cited above and an inflation-indexed charge. An economic index limits the annual increases in prevailing charges for physicians' services.

This standard method of determining the reasonable charge for a service can, in some instances, result in payments that may not be reasonable. This may occur, for example when (1) the marketplace is not truly competitive because of limited suppliers; (2) the Medicare and Medicaid programs are the primary source of payment for a service; (3) the charge involves the use of new, expensive technology for which there is not an extensive charge history; (4) the charges do not reflect changing technology or increased facility with that technology (for example, when first done, a medical procedure may require considerable skill and entail substantial risk, but becomes more routine with additional experience); (5) prevailing charges in a locality are clearly out-of-line with prevailing charges in other localities; or (6) charges are grossly in excess of acquisition or production costs.

Historically, our Medicare Part B carriers have dealt with these situations locally under the authority of 42 CFR 405.502(a)(7). That section provides that the carriers may consider factors other than those described above in determining whether a charge is inherently reasonable.

In order to consider on a national basis other factors that would ensure a charge is inherently reasonable, we published, on February 18, 1986, a proposed rule (51 FR 5726) that would allow us to adopt special national reasonable charge limits. The proposal was issued consistent with the Medicare statute that authorizes the Secretary to adopt special reasonable charge limits when the usual reimbursement mechanism under Part B of the program does not yield the desired result of reasonable payment. (See S. Rep. No. 1230 92d Cong., 2d Sess. 193 (1972).) The proposal specified the circumstances under which HCFA would consider establishing special reasonable charge limits for services reimbursed under Part B of the Medicare program, as well as the procedures HCFA would follow in setting the limits. In the proposed rule, we stated that the limits would apply only to those cases in which the application of the reasonable charge methodology results in charges that are excessive. We did not apply the limits to cases that would result in a deficient reasonable charge.

On April 7, 1986, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (Pub. L. 99–272) was enacted. Sections 9304(a) of COBRA enacted a new section 1842(b)(8) of the Act to require that the Secretary describe in regulations the factors to be used in determining the cases in which the application of the reasonable charge methodology results in a charge that is grossly excessive *or* grossly deficient. It also requires the Secretary to provide in regulations the factors to be considered in those cases in establishing a reasonable charge that is realistic and equitable.

We have interpreted the provisions of section 1842(b)(8) of the Act to apply not only to HCFA's authority to establish national reasonable charge limits, but also to the carriers' authority to establish carrier level reasonable charge limits on grossly excessive or deficient charges. Thus, these final regulations describe circumstances and factors to be used by both HCFA and the carriers in setting reasonable charge limits on grossly excessive or deficient charges.

The provisions of the proposed rule, the comments we received, our responses to those comments, and the changes we are making to implement the provisions of section 1842(b)(8) of the Act are discussed below.

II. Proposed Regulations

We proposed to add a new paragraph (g) to 42 CFR 405.502 which concerns the determination of reasonable charges. The proposal specified that we may establish national reasonable charge limits for a category of service if we determine that the standard procedures for calculating reasonable charges result in unreasonably excessive charges. (Note: A category of service could contain only one particular service.) We specified that in determining the need for and in setting special payment limits, we would use available information relevant to the category of service.

The proposed regulations at § 405.502(g)(1) described the factors to be considered in determining the need for and setting a limit. The proposed factors included, but were not limited to, the following:

- Price markup.
- Utilization.
- Differences in charges to large volume purchasers.
- Cost.
- Charges in other areas
- Other relevant factors.

In the proposal, we stated that after reviewing the available data on a specific category of service, we would determine whether a special reasonable charge limit is appropriate and, if so, what type and amount of limit is needed.

The proposed regulations specified that we would publish any proposed limit as a notice in the **Federal Register** and provide an opportunity for public comments. Then, we would publish our final determination and our response to

those comments, in the **Federal Register.** The proposal provided that each notice published in the **Federal Register** would also set forth the criteria and circumstances, if any, under which a carrier may grant an exception to the specific limit. Thus, beneficiaries and suppliers would be able to request an exception to the limit if the criteria and circumstances for an exception, issued with the notice of the limit, are met.

The preamble to the proposed rule also stated that an individual carrier or groups of carriers would retain their present authority specified at 42 CFR 405.502(a)(7) to make inherent reasonableness determinations (which may involve setting a reasonable charge limit a specific locality) without publishing a notice in the **Federal Register.**

III. Discussion of Comments

In response to the proposed rule, we received approximately 170 timely items of correspondence from individual physicians and other health care professionals, and from associations representing durable medical equipment suppliers or other health care professionals. The specific comments and our responses to these comments follow:

A. Authority

Comment: Many commenters believe that the proposed rule exceeded HCFA's statutory authority and that we were attempting to establish fiscal constraints for Part B expenditures without congressional direction.

Response: We believe that the regulation is completely consistent with HCFA's statutory authority. Sections 1833 and 1842(b)(2) of the Act, which authorize the payment of "reasonable" charges under Part B, do not specify exactly how to determine which charges are "reasonable" in amount. Instead, section 1842(b)(3) provides that, in determining what is reasonable, "there shall be taken into consideration" the supplier's customary charges for the service and the prevailing charges in the locality, while leaving open the possibility of considering all other information bearing on the reasonableness of the charge. Thus, the statute permits evaluating all relevant information in determining whether a charge is "reasonable," as that term is commonly understood, rather than determining the allowed charge by some mechanical formula. Consistent with the flexibility permitted by statute, longstanding Medicare regulations have required consideration of a variety of criteria including, as specified in 42 CFR 405.402(a)(7), "[o]ther factors that may be found necessary and appropriate with respect to a specific item or service to use in judging whether the charge is inherently reasonable."

That the statute provides for these flexible criteria has been recognized by Congress. When the reasonable charge provisions were revised in 1972, the Senate Finance Committee noted that "present law provides authority for special reasonable charge rules and limits with respect to any item for service for which such special rules are found to be necessary and appropriate." S. Rep. No. 92–1230, 92d Cong., 2d Sess. 193 (1972). Similarly, the House Ways and Means Committee, after explaining the basic system of reliance on customary and prevailing charges, noted that "In a relatively small number of situations, additional rules are used to judge the reasonableness of charges." H.R. Rep. No. 92–231, 92d Cong., 1st Sess. 85 (1971). These regulations simply provide additional detail concerning the factors that have long been used in judging the reasonableness of charges.

Also, contrary to the assertions of some commenters, we believe that the Department has full authority to instruct the carriers on the criteria to be used in determining reasonable charges. Although the statute requires the carriers to make various determinations with respect to reasonable charges, these provisions cannot be interpreted as immunizing the carriers from Departmental direction. It would be implausible to interpret the statute as giving private organizations the unbridled authority to expend tens of billions of dollars of Federal funds without Department control.

This interpretation is consistent with the Department's practice since the beginning of the Medicare program. For example, as enacted in 1965, the Medicare statute prescribed only that customary and prevailing charges should be considered in determining reasonable charges; no definitions of customary or prevailing charges were included in the statute. Definitions were, however, developed by the Department and imposed on the carriers. In 1972 Congress incorporated these definitions into the statute but, in so doing, did not in any way imply that the Department lacked authority to promulgate instructions governing the carriers. The House Ways and Means Committee stated only that it "believes it desirable to embody in the statute the limitations on medical charges recognized as prevailing now set forth in Medicare regulations . . . . ." H. Rep. No. 92–231, *supra,* at 87. The Senate Finance Committee used similar language. S. Rep. No. 92–1230, *supra,* at 192.

If there were any doubt about the Department's authority to direct the carriers in this respect, it was resolved by section 9304 of COBRA, which unambiguously directed the Secretary to issue regulations describing the factors to be used in determining whether a charge is, by reason of its grossly excessive or grossly deficient amount, not inherently reasonable.

Comment: Approximately 40 commenters expressed concern that certain provisions may have an adverse effect on the medical industry, beneficiaries, assignment rates, and quality of health care. The commenters recommended that the regulation be withdrawn entirely. This was based upon concerns that HCFA lacks the statutory authority to implement the proposed rule.

Response: This recommendation cannot be adopted. As discussed above, the Medicare statute at section 1842(b)(3), and at section 1842(b)(8) which was added by COBRA, provides the authority for the regulations being adopted. The provisions of this rule have been devised to be consistent with the congressional intent that Medicare program costs be reasonable, and we will make every effort to see that any limits are equitable and responsive to the medical needs of our beneficiaries. We will use this authority selectively and only if the usual customary and prevailing charges are found to be grossly excessive or deficient. If reimbursement is fair and reasonable, we believe that most physicians and suppliers will continue to accept assignment while maintaining quality standards.

B. Extension of Comment Period

Comment: Several commenters requested an extension of the comment period on the proposed rule.

Response: We agreed with this suggestion and provided an additional 15 days to comment (see 51 FR 10033, dated March 24, 1986). We believe that the extension provided sufficient opportunity for the public to comment. We did not extend the comment period further because of the limited time available for the timely implementation of any proposed limits. Furthermore, commenters offered no indication of what additional analysis or information might be forthcoming that would have a bearing on establishing the special limits.

C. Factors

Comment: Many commenters expressed the concern that the proposed rule is overly vague and should specify

the criteria for selecting services considered overpriced.

Response: While we do not agree that the proposed rule is vague, we acknowledge that it is written in general terms. As explained in the proposed rule, the circumstances that create an inherently unreasonable charge pattern vary from case to case. Thus, we proposed, in general terms, the factors for determining the need for a limit and for setting the amount. As specified in the proposed rule, when proposed limits for specific services are published in the Federal Register, we will include a detailed description of how the proposed limits were calculated or decided upon as well as the information or data used in the calculation, and an opportunity to comment on the details of each circumstance.

In identifying specific services or products for possible application of a special reasonable charge limit, a variety of methods will be used. We will consider information in medical literature, studies by organizations such as the General Accounting Office and the HHS Office of the Inspector General, outside research studies such as those dealing with resource cost-based relative value systems and other data. We note that as required by section 1842(b)(8) of the Act, we are including the factors to be used in determining the cases in which the application of the reasonable charge methodology results in a charge that is grossly excessive or grossly deficient. It also requires the Secretary to provide in regulations the factors to be considered in establishing a limit on the reasonable charge. The limit on the reasonable charge would be an upper limit to correct a grossly excessive charge or a lower limit to correct a grossly deficient charge.

Comment: A number of commenters asked for a clarification of the utilization factor that we included in the proposed list of factors that would be used in determining the need for a limit, and in calculating a limit. The commenters wanted to know what constitutes a "cost-effective utilization" rate and how we would compute it.

Response: In the proposed rule, we stated that, "HCFA may impute a reasonable rate of use for a category of service in order to arrive at cost-effective utilization." Our intention was and is that when relevant, any proposed limits or special factors would assume an appropriate utilization rate. For example, if a new technology emerges which we determine should be subject to a national reasonable charge limit (because application of the standard reasonable charge methodology results in excessive charges), we might consider what utilization rate would exist when the procedure becomes more established. This is similar to the approach used by HCFA in operational instructions to the carriers on establishing a reasonable charge for magnetic resonance imaging (MCM section 5246.2). We have no intention in using this provision to "ration" services as suggested by one commenter. We are revising the regulations to clairfy our intent.

D. Impact Analysis

Comment: Several commenters criticized the proposed rule because it did not include a regulatory impact analysis.

Response: This regulation merely establishes the authority to determine reasonable charge limits, and does not establish any actual limits. As noted in the regulatory impact statement published in the proposed rule, with respect to limits established by HCFA, we would observe notice and comment procedures and perform a regulatory impact analysis, as appropriate, on a notice implementing this authority. Any economic effects ascribed to this regulation, in and of itself, would be purely speculative and practically inestimable.

E. Provisions for Deficient Amounts

Comment: Many commenters suggested that the proposed rule should have provided for an increase in deficient amounts.

Response: As we noted in the preamble. We believe the situations were the reasonable charge mechanism results in a significantly deficient amount are virtually non-existent. This is because the reasonable charges are established based on the charges imposed by the industry itself. Moreover, we pointed out that there is an existing procedure to deal with unusually low customary charges (Medicare Carriers Manual, Part III, section 5010.2, "Equity Adjustments in Customary Charge Screens"). The new section 1842(b)(8) of the Act, however, now directs the Secretary to establish regulations describing the factors relating to reasonable charges which are inherently unreasonable by reason of being grossly deficient and we have reflected this in the final rule.
We will consider establishing lower limits to deal with "grossly deficient" cases in the following situations: (1) Changing technology substantially increases resource requirements, or (2) There has been a substantial and sudden increase in acquisition or production costs. However, we are not aware of any situations where this has occurred. We would welcome public comment on these and other situations where upward adjustments might be appropriate. In establishing the lower limits we will consider the same six factors described in the proposal (that is, price mark-up, utilization, difference in charges, costs, charges in other localities, and other relevant factors).

F. Limited Impact

Comment: Another comment was that the proposed rule singles out a segment of the medical profession.

Response: The language of the proposed rule does not refer to or limit particular medical services. Rather, it refers to situations where standard methods of determining the reasonable charge for a service can result in payments that may not be reasonable. In this regard, it reflects the intent of the original Medicare legislation as recalled in the 1972 Senate Finance Committee Report accompanying Pub. L. 92–603. Further, section 1842(b)(8) of the Act makes no distinction among any Part B services paid on a reasonable charge basis.

G. Adjustments for Geographic Differences

Comment: One commenter suggested that we allow adjustments on limits based on geographic differences.

Response: We agree that where appropriate we should recognize geographic differences in payment.

H. Industry Input

Comment: Another comment was that the proposed rule does not provide an opportunity for the industry to meet with HCFA staff on establishing limits.

Response: Our relationship with the health care industry has been a productive one for many years. We have welcomed the constructive comments and suggestions we have received from the health industry, both in writing and in numerous meetings. We expect this dialogue to continue with the implementation of special reasonable charge limits and assure the industry that there will be opportunities for input and meetings with HCFA staff as specific limits are developed.

IV. Provisions of the Final Rule

We are adopting the provisions set forth in the proposed rule with certain revisions. We have restructured the format and made technical and clarifying changes. Additionally, we are making changes consistent with the requirements of section 1842(b)(8) of the Act.

We are revising § 405.502(a)(7) which describes the authority to use other factors in making a determination of inherent reasonableness. We are clarifying that other factors which may be considered include the special reasonable charge limits described in § 405.502(g).

As previously discussed, section 1842(b)(8) of the Act requires that we describe in regulations the factors to be used in determining the cases in which the application of the reasonable charge methodology results in a charge that is grossly excessive or grossly deficient. It also requires us to specify the factors to be considered in establishing a limit on the reasonable charge.

We have interpreted section 1842(b)(8) of the Act as applying not only to HCFA's authority to establish national reasonable charge limits, but also to the carriers' authority to establish carrier level reasonable charge limits on grossly excessive or deficient charges. Therefore, we are specifying in regulations the factors used by both HCFA and the carriers in setting limits on grossly excessive or grossly deficient charges and are revising the proposed § 405.502(g) to reflect this change.

Also consistent with the provisions of section 1842(b)(8) of the Act, we are adding a provision at 42 CFR 405.502 that will permit us to establish a special reasonable charge limit in cases in which the application of the reasonable charge methodology results in charges that are deficient. We are changing the wording of the proposed § 405.502(g) to specify that the limit on the reasonable charge is an upper limit to correct a grossly excessive charge or a lower limit to correct a grossly deficient charge.

The proposed rule at § 405.502(g)(1) had stated that we would consider certain factors in determining the need for a limit, and in calculating a limit. In the final rule, we will distinguish between the circumstances under which HCFA or a carrier may determine the need for a limit (see § 405.502(g)(1) of these final rules) and those used to establish a limit (see § 405.502(g)(2) of these final rules).

Section 405.502(g)(1)(i) of the final rule describes the circumstances in which application of the reasonable charge methodology results in grossly excessive charges and under which HCFA or a carrier may determine the need for a special upper limit. In the preamble of the proposed regulations, we had listed these circumstances but had not included them in the proposed regulations text. In this final rule, we are adding the list to the regulations text. The circumstances that may result in grossly excessive charges include, but are not limited to the following:

- The marketplace is not competitive.
- Medicare is the primary source for payment.
- The charge involves the use of new technology for which an extensive charge history does not exist.
- The charges do not reflect changing technology, increased facility with that technology or changes in acquisition or supplier costs.
- Prevailing charges in a locality are grossly in excess of prevailing charges in other localities.
- Charges are grossly in excess of acquisition or production costs.

At § 405.502(g)(1)(ii), we are adding the circumstances in which the application of the reasonable charge methodology may result in deficient charges and under which HCFA or a carrier may determine the need for a special lower limit. The circumstances include, but are not limited to the following:

- Changing technology substantially increases resource requirements.
- There has been a substantial and sudden increase in acquisition or production costs.

We are listing separately at § 405.502(g)(2) the circumstances that HCFA or a carrier will consider in establishing a limit. We are essentially using the same factors that we presented in the proposed rule at § 405.502(g)(1) (i)–(vi). These factors will apply to limits that are intended to correct both grossly excessive and deficient charge amounts. We are revising the factor concerning price markups to clarify that HCFA or a carrier may consider the markup on similar services if data on a particular category of service are not available. We also are revising the factor concerning utilization to clarify our intent that HCFA or a carrier will impute a reasonable rate of use in establishing a limit, but we are not attempting to "ration" services. Finally, we are revising the factor concerning costs to clarify that HCFA or a carrier will consider data on acquisition or production costs.

In this final rule, we are deleting the provision of the proposed § 405.502(g)(2)(i) that permitted a beneficiary or supplier to request an exception to a special reasonable charge limit. We are deleting this provision because individual requests for exceptions are already provided for under § 405.506. That section gives carriers authority to reimburse additional amounts if there are unusual circumstances or medical complications requiring additional time, effort, or expense that support an additional charge, and if it is acceptable medical practice in the locality to make an extra charge in the specific cases. In addition, if the exception criteria specified in a **Federal Register** notice setting forth a national limit are met, carriers will apply the exceptions to their entire service area.

We also are deleting the provision of the proposed § 405.502(g)(2)(ii) that stated that the carriers will grant an exception to the special limits if the exceptions criteria specified in the **Federal Register** notice are met. We are deleting this provision because it is not necessary to specify that the carriers have this authority. The final rule will continue to state, as did the proposed rule, that any criteria and circumstances under which a carrier may grant an exception will be included in the **Federal Register** publication announcing the limit.

The proposed requirements regarding the publication in the **Federal Register** of a proposed and final national limit (set by HCFA) that specify the exceptions procedure will apply to limits established to correct a grossly deficient, as well as an excessive, charge that results from the application of the reasonable charge methodology.

As in the proposed rule, we note that the individual carriers retain their existing authority (under § 405.502(a)(7)) to make inherent reasonableness determinations so that they can control unreasonable payments peculiar to their service area. However, we are modifying the final rule consistent with the provisions of section 1842(b)(8) of the Act to make it clear that the factors to be used in determining the cases in which the reasonable charge methodology may result in a grossly excessive or deficient charges and the factors to be considered in establishing a limit are the same for HCFA and the carriers. We also are modifying the Medicare Carriers Manual, Part III, Section 5246, "Consideration of Other Factors in Determining that Charges are Inherently Reasonable" to conform to these changes.

Limits previously established by carriers will be subject to the factors specified in this regulation if applied after the effective date of the regulation. Since the factors are similar to those that have been used by carriers in the past in determining limits, this should not necessitate major changes, but the carriers will revise any existing limits if necessary to satisfy the requirements in the regulations. Carriers will be instructed to review their existing use of

factors other than customary and prevailing charges to assure that such use is consistent with the regulations with respect to both the circumstances of application and the factors to be used. Carriers will undertake this review during their annual update of reasonable charge screens and will complete their review prior to January 1, 1987. Where limits previously established by carriers are otherwise consistent with the regulations, carriers may continue to apply special limits without obtaining comments from affected suppliers. When a change in the limits is required, the limits will be proposed following the procedures specified in the regulations.

In this final rule, we specify that when carriers propose to use their authority to make inherent reasonableness determinations, they are instructed to inform the affected suppliers or physicians of the factors considered in establishing the limit. Because of congressional and industry concern about the manner in which some carriers exercise this authority, we are specifying in this rule and adding to the carrier guidelines a requirement that carriers, in the future, obtain comments from affected groups on every proposed general application of their inherent reasonableness authority. This rule provided that after evaluating the comments received, the carrier must inform the affected suppliers or physicians of any final limit established. The limit will be effective for services furnished no fewer than 30 days after the date of the carrier's notification. This procedure will not apply when a carrier, in reviewing a specific charge, determines that it is unreasonable. When carrier determinations of reasonable allowances, which are based on factors other than customary and prevailing charges, are lower than the reasonable charge limits established by HCFA, the carrier determination will remain in effect.

V. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to meet criteria for a "major rule". A major rule is one that would result in—

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation will have no direct effect on the economy or on Federal or State expenditures. It specifies rules under which special limits might be established. Therefore, we conclude that this rule, in itself, will have no effect on the economy and no threshold criteria under E.O. 12291 would be exceeded. Consequently, a regulatory impact analysis is not required. However, in developing future **Federal Register** notices to promulgate limits under this rule, we will consider the economic impact of the limits and, if appropriate, prepare a regulatory impact analysis.

B. Regulatory Flexibility Act

We prepare and publish a regulatory flexibility analysis consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a regulation will not have a significant impact on a substantial number of small entities. As discussed above, this regulation will not, in itself, have an economic impact. Indirectly, it might result in future issuances whereby small entities might be affected. However, in each of these cases, procedures consistent with the RFA will be followed and a regulatory flexibility analysis performed, if warranted. Therefore, we conclude, and the Secretary certifies, that these regulations will not have a significant economic impact on a substantial number of small entities.

VI. Waiver of Proposed Rulemaking

It is our practice to publish a general notice of proposed rulemaking in the **Federal Register**, and afford prior public comment on proposed rules. Such notice includes a statement of the time, place, and nature of rulemaking proceedings, reference to the legal authority under which the rule is proposed, and the terms or substance of the proposed rule or a description of the subjects and issues involved. However, we omit a notice of proposed rulemaking when we find good cause that such a notice and comment procedure is impracticable, unnecessary, or contrary to the public interest. In those cases, we incorporate a statement of the finding and its reasons in the rule issued.

These rules include amendments to the regulations that were not presented in the proposed rule but are necessary for the implementation of section 9304(a) of COBRA. That section enacted section 1842(b)(8) of the Act to require the Secretary to issue regulations that set forth the factors to be used in determining the cases in which the application of the reasonable charge methodology results in a reasonable charge that is grossly excessive or grossly deficient. It also requires the Secretary to provide in regulations the factors to be considered in establishing a limit on the reasonable charge. We believe that section 1842(b)(8) of the Act requires us to include in the regulations the factors used by carriers in determining the need for a limit. We have also specified the procedures that they will follow in establishing limits on grossly excessive or grossly deficient charges. The procedures described in this final rule that apply to the limits on grossly excessive or grossly deficient charges set by carriers under § 405.502(a)(7), which permits the carrier to consider other factors in determining the inherent reasonableness of a service, are new. Additionally, the proposed rule only addressed the factors to be considered in establishing a limit in the case of excessive charges. Thus, the examples of the circumstances that must exist before we will consider establishing a limit for excessive charges and all the provisions concerning deficient charges are new.

We believe that it is unnecessary to provide a notice of proposed rulemaking to apply to the carriers the factors previously proposed to govern HCFA's actions. Although the notice of proposed rulemaking solicited comment on the factors in the context of their use by HCFA, there is no reason to believe that commenters would have a different analysis if the factors were being applied by the carriers.

We also believe that it is unnecessary to provide another notice of proposed rulemaking for the provision that sets forth the circumstances that HCFA or a carrier would consider before establishing a limit for grossly excessive charges. Although this material was not included in the proposed regulations text, it was included in the preamble to the proposed rule. Consequently, the public was informed of our intent and had the opportunity to comment.

Finally, we believe that it would be unnecessary and contrary to the public interest to provide a notice of proposed rulemaking with respect to special limits that may be established if the application of the reasonable charge methodology results in grossly deficient charges. In considering the need for these limits and in calculating the limits,

HCPA or a carrier generally will use the same factors and procedures that applied to grossly excessive charges and were set forth in the proposed rule. Finalizing this rule is clearly in the interest of the affected suppliers, because the limits that may be established if grossly deficient charges exist, will exceed the amount that is calculated under the standard reasonable charge methodology. We believe that it is contrary to the public interest to provide a notice of proposed rulemaking since it would delay the implementation of these provisions.

VII. Public Comments

We are inviting comments on certain provisions of this final rule that implement the aspects of section 1842(b)(8) of the Act, as enacted by COBRA, that concern deficient charges and that were not included in the notice of proposed rulemaking published on February 18, 1986. Because of the large number of items of correspondence we normally receive, we are not able to acknowledge or respond to them individually. However, we will consider all comments relating to the provisions concerning deficient charges contained in section 1842(b)(8) of the Act that we receive by the date and time specified in the "Dates" section of this preamble. If, as a result of these public comments, we conclude that changes in these final rules are needed, we will respond to the comments and include the changes in a future **Federal Register** publication.

All other provisions included in these final regulations were included in the proposed rule, and we are responding in this document to comments received on these provisions. Therefore, if another **Federal Register** publication is necessary, we expect to address only comments about the provisions of these regulations that implement the provisions of section 1842(b)(8) of the Act, regarding deficient charges and special reasonable charge limits set by carriers, which were not included in the February 18, 1986 proposed rule.

List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Health facilities, Health maintenance organizations (HMO), Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 405, Subpart E is amended as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

1. The authority citation for Subpart E continues to read as follows:

Authority: Secs. 1102, 1814(b), 1832, 1833(a), 1842 (b) and (h), 1861 (b) and (v), 1862(a)(14), 1866(a), 1871, 1881, 1886 and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395k, 1395l(a), 1395u (b) and (h), 1395x (b) and (v), 1395y (a)(14), 1395cc(a), 1395hh, 1395rr, 1395ww and 1395xx).

2. In § 405.502, the introductory language for paragraph (a) is republished, paragraph (a)(7) is revised and a new paragraph (g) is added to read as follows:

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law allows for flexibility in the determination of reasonable charges to accommodate reimbursement to the various ways in which health services are furnished and charged for. The criteria for determining what charges are reasonable include:

* * * * *

(7) Other factors that may be found necessary and appropriate with respect to a category of service to use in judging whether the charge is inherently reasonable. This includes special reasonable charge limits (which may be either upper or lower limits) established by HCFA or a carrier if it determines that the standard rules for calculating reasonable charges set forth in this subpart result in grossly deficient or excessive charges. The determination of these limits is described in paragraph (g) of this section.

* * * * *

(g) *Determination of reasonable charges in special circumstances.* HCFA or a carrier may establish special reasonable charge limits for a category of service if it determines that the standard rules for calculating reasonable charges set forth in this subpart result in grossly deficient or excessive charges. The limit on the reasonable charge is an upper limit to correct a grossly excessive charge or a lower limit to correct a grossly deficient charge. The limits are either a specific dollar amount, or are based on a special method to be used in determining reasonable charges to be allowed.

(1) *Application.*—(i) *Grossly excessive charges.* HCFA or a carrier may make a determination that the standard rules for calculating reasonable charges set forth in this subpart result in grossly excessive charges. Examples of the circumstances which may result in grossly excessive charges include, but are not limited to the following:

(A) The marketplace is not competitive.

(B) Medicare is the primary source for payment.

(C) The charges involve the use of new technology for which an extensive charge history does not exist.

(D) The charges do not reflect changing technology, increased facility with that technology, or changes in acquisition or supplier costs.

(E) Prevailing charges in a locality are grossly in excess of prevailing charges in other localities.

(F) Charges are grossly in excess of acquisition or production costs.

(ii) *Grossly deficient charges.* HCFA or a carrier may make a determination that the standard rules for calculating reasonable charges set forth in this subpart result in grossly deficient charges. Examples of the circumstances which may result in grossly deficient charges include, but are not limited to the following:

(A) Changing technology substantially increases resource requirements.

(B) There has been a substantial and sudden increase in acquisition or production costs.

(2) *Factors considered.* In establishing a limit, HCFA or a carrier considers the available information that is relevant to the category of service and establishes a reasonable limit that is realistic and equitable. The factors to be considered in establishing a specific dollar amount or special method may include:

(i) *Price markup.* This is the relationship between the retail and wholesale prices or manufacturer's costs of a category of service. If information on a particular category of service is not available. HCFA or a carrier may consider the markup on similar services and information on general industry pricing trends.

(ii) *Differences in charges.* HCFA or a carrier may consider the differences in charges to non-Medicare and Medicare patients or to institutions and other large volume purchasers.

(iii) *Costs.* HCFA or a carrier may consider data on acquisition or produciton costs.

(iv) *Utilization.* HCFA or a carrier may impute a reasonable rate of use for a category of service and consider unit costs based on efficient utilization.

(v) *Charges in other localities.*

(iv) *Other relevant factors.*

(3) *Publication of national limits.* HCFA publishes in the **Federal Register** a notice of a proposed and final special reasonable charge limit before the limit is adopted. The notice sets forth in the **Federal Register** the criteria and circumstances, if any, under which a carrier may grant an exception to the limit.

(4) *Carrier level limits.* After September 10, 1986, a carrier proposing to establish a generally applicable special reasonable charge limit must inform the affected suppliers or physicians of the factors considered in establishing the limit as described in paragraphs (g)(1) and (2) of this section and solicit comments. After evaluating the comments received, the carrier must inform the affected suppliers or physicians of any final limit established. The limit is effective for services furnished no fewer than 30 days after the date of the carrier's notification.

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: July 21, 1986.

William L. Roper,

Administator, Health Care Financing Administration.

Approved July 31, 1986.

Otis R. Bowen, M.D.,

Secretary.

[FR Doc. 86-17898 Filed 8-8-86; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 60489-6089]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: The Secretary of Commerce extends an emergency interim rule which authorized the deviation from the framework allocation schedule for coho salmon north of Cape Falcon, Oregon, and the modification of the framework provisions for inseason ocean salmon management off the coasts of Washington, Oregon, and California until August 13, 1986. It is necessary to extend this emergency rule for an additional 90 days, through November 11, 1986, because the conditions requiring the emergency measure still exist. This action is intended to optimize the salmon harvest and alleviate continuing depressed economic conditions in coastal communities associated with the fishing industry and related businesses.

EFFECTIVE DATE: The extended emergency rule is effective at 0001 hours local time, August 14, 1986, until 2400 hours local time, November 11, 1986.

ADDRESSES: Comments on this rule may be submitted to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150; or E. Charles Fullerton, 213-514-6196.

SUPPLEMENTARY INFORMATION: Under section 305(e)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary issued an emergency rule on May 15, 1986 (51 FR 18451, May 20, 1986) to protect depressed runs of chinook and coho salmon and to provide maximum opportunity for ocean harvest to help alleviate the depressed economic conditions in coastal communities.

The emergency rule deviates from the framework sliding scale which allocates coho salmon to commercial and recreational fisheries north of Cape Falcon, Oregon. The 1986 allocation is intended to minimize impacts on critical codo and chinook stocks and maximize ocean harvest by each user group north of Cape Falcon. The emergency rule also clarifies, broadens in scope and intent, and adds optional provisions to the framework inseason management provisions. The 1986 inseason management provisions are intended to prevent management problems encountered in 1985 by increasing Federal inseason management flexibility.

Classification

The Pacific Fishery Management Council requested that the Secretary extend this emergency rule for one additional period of not more than 90 days since the conditions within the fishery requiring the original emergency rule still exist. This action is authorized by section 305(e)(3) of the Magnuson Act. The emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided for in section 8(a)(1) of the order. This rule is being reported to the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 5, 1986.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-18000 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 60489-6089]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustment and request for comments.

SUMMARY: The Secretary of Commerce (Secretary) announces a delay in the reopening of the non-Indian commercial salmon fishery in the fishery conservation zone (FCZ) from the U.S.-Canada border to Carroll Island, Washington, for 24 hours. This fishery will reopen at 0001 hours Pacific Daylight Time (PDT) August 8, 1986 instead of at 0001 hours PDT August 7, 1986. This delay is necessary to better balance the impacts on the remaining quotas in the two areas of the commercial fishery north of Cape Falcon, Oregon. This action is intended to maximize ocean harvest of chinook and coho salmon without exceeding the established quotas.

DATES: Delay of reopening of the FCZ from the U.S.-Canada border to Carroll Island, Washington, to commercial salmon fishing is in effect beginning 0001 hours PDT through 2400 hours PDT on August 7, 1986. This area will reopen to commercial salmon fishing at 0001 hours PDT August 8, 1986. Comments on this notice will be received until August 22, 1986.

ADDRESS: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150.

SUPPLEMENTARY INFORMATION: The ocean salmon fisheries off Washington, Oregon, and California are managed

under a framework fishery management plan (50 CFR Part 661). The framework regulations were modified by an emergency rule (51 FR 18451, May 20, 1986) which established inseason management provisions for the 1986 season.

The emergency rule authorizes inseason adjustments to management measures if the adjustments are consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, ocean escapement goals, conservation of the salmon resource, any adjudicated treaty Indian fishing rights, and the ocean allocation scheme in the framework amendment. All inseason adjustments must be based on consideration of the following factors: Predicted sizes of salmon runs; harvest quotas and hooking mortality limits for the area and total allowable impact limitations if applicable; amount of recreational, commercial, and treaty Indian catch for each species in the area to date; amount of recreational, commercial, and treaty Indian fishing effort in the area to date; estimated average daily catch per fisherman; predicted fishing effort for the area to the end of the scheduled season; and other factors as appropriate.

In its preseason notice of 1986 management measures (51 FR 15620, May 5, 1986) NOAA announced the commercial fishery for all salmon species in two areas, from the U.S.-Canada border to Carroll Island, Washington, and from Leadbetter Point, Washington, to Cape Falcon, Oregon, as August 2 through August 3, and August 7 through the earliest of September 15 or attainment of subarea quotas of either chinook or coho salmon. Based upon current fishing rates, it was determined that a 24-hour delay in the reopening of the commercial fishery from the U.S.-Canada border to Carroll Island, Washington, would better balance the impacts on the remaining quotas in these two areas.

After consideration of the factors listed above, the Secretary has determined this 24-hour delay in reopening is consistent with the criteria in the emergency rule, and therefore issues this notice reopening the commercial fishery in the FCZ from the U.S.-Canada border to Carroll Island, Washington, at 0001 hours PDT August 8, 1986 instead of at 0001 hours PDT August 7, 1986. This notice does not apply to treaty Indian fisheries operating in the same area or to other fisheries which may be operating in other areas.

The Regional Director consulted with the Director of the Washington Department of Fisheries (WDF) and the Chairman of the Pacific Fishery Management Council regarding this delay in reopening. The WDF Director confirmed that Washington will delay reopening the commerical fishery in State waters adjacent to this area of the FCZ for 24 hours until 0001 hours PDT August 8, 1986.

Other Matters

This action is taken under the authority of 50 Part CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: August 6, 1986.

James E. Douglas, Jr.,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-18034 Filed 8-6-86; 4:42 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Pineapple Juice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the current voluntary U.S. Standards for Grades of Canned Pineapple Juice. The proposed rule was developed by the U.S. Department of Agriculture (USDA) at the request of major segments of the canned pineapple juice industry. Its effect would be to improve the standards by: (1) Aligning the U.S. grade standards with the Food and Drug Administration (FDA) standards; (2) providing grade standards for pineapple juice from concentrate; (3) establishing a minimum soluble solids content of 12.8 degrees Brix for pineapple juice from concentrate in line with FDA requirements; (4) simplifying and clarifying the two standards (pineapple juice and pineapple juice from concentrate) to include definitions of terms and easy-to-read tables; (5) redesignating the grade name "U.S. Grade C" in the current canned pineapple juice standards to "U.S. Grade B"; (6) replacing dual grade nomenclature with single letter grade designations; and (7) removing the word "canned" from the canned pineapple juice grade standards so that the standards can be used for other types of processing and packaging. This proposed rule also includes conforming and editorial changes.

DATE: Comments must be received on or before October 10, 1986.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2085, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Graesanto V. Berbano, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, Telephone (202) 447-6247.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This rule proposes amendments to the U.S. standards for grades of pineapple juice. Such standards are voluntary, and the intent of this proposal is to improve and update them mainly by providing for the grading of juice from concentrate.

Because of their relationship to the Food and Drug Administration (FDA) standards, the current U.S. grade standards for canned pineapple juice include standards for pineapple juice from concentrate. For the benefit of the users of the standards, this proposed rule would add the term "pineapple juice from concentrate" to the product description section of the standards.

The FDA on November 23, 1982 (47 FR 52771) amended 21 CFR 146.185 by changing the minimum soluble solids content requirement for pineapple juice from concentrate from 13.5° Brix to 12.8° Brix. This proposed rule would adjust the standards for minimum soluble solids content of pineapple juice from concentrate to parallel the requirements of FDA.

In this proposal, two easy-to-read separate tables for determining quality grade levels would be added—one for pineapple juice and another for pineapple juice from concentrate. The proposal would also provide a "Definitions of terms" section for further clarification.

Canned pineapple juice grade standards currently have quality levels of "U.S. Grade A" and "U.S. Grade C." Most other U.S. grade standards for juices have quality levels of "U.S. Grade A" and "U.S. Grade B." When revising grade standards with grade designations of U.S. Grade A and U.S. Grade C, it is Agency policy to retain U.S. Grade A and redesignate U.S. Grade C to U.S. Grade B. This proposal would change the grade designation of "U.S. Grade C" to "U.S. Grade B." The quality requirements of the second grade level would not be changed, only the nomenclature from "U.S. Grade C" to "U.S. Grade B." The proposal would also implement the USDA policy of replacing dual grade nomenclature with single letter designations. Under the proposal, "U.S. Grade A" (or "U.S. Fancy") would simply become "U.S. Grade A." These changes are being proposed to provide consistency between grade standards and eliminate confusion due to the absence of an intervening grade (U.S. Grade B).

Innovations in processing practices for pineapple juice have brought about methods of marketing pineapple juice in containers other than hermetically sealed cans. The FDA on August 13, 1985 (50 FR 32560) amended 21 CFR 146.185 by removing all references to the words "canned" and "canning" and adding the word "processing" where appropriate, consistent with the use of other methods of preservation. So that the standards can be used for these other types of processing and packaging, this proposed rule would eliminate the word "canned" from the canned pineapple juice grade standards.

The proposed change would also provide a uniform format consistent with recent revisions of other U.S. grade standards. The proposed format would be designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables would

replace the textual description in existing standards. These changes would assure a better understanding and a uniform application of the standards. Other sections would be modified to conform with these changes.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

PART 52—[AMENDED]

Accordingly, it is proposed to amend 7 CFR Part 52 as set forth below:

1. The authority citation for Part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205; 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624.

2. Subpart-United States Standards for Grades of Canned Pineapple Juice (7 CFR 52.1761–52.1772) would be revised to read as follows:

Subpart—United States Standards for Grades of Pineapple Juice

Sec.

§ 52.1761 Product description.

(a) *Pineapple juice* is the product as defined in the Standards for Pineapple juice (21 CFR 146.185), issued under the Federal Food, Drug, and Cosmetic Act.

(b) *Pineapple juice from concentrate* is the product as defined in the Standards for Pineapple juice (21 CFR 146.185), issued under the Federal Food, Drug, and Cosmetic Act.

§ 52.1762 Styles.

(a) Unsweetened.

(b) Sweetened.

§ 52.1763 Definitions of terms.

In these U.S. Standards, unless otherwise required by the context, the following terms shall be construed to mean:

(a) *Acid* means the grams of acid contained in 100 milliliters of the juice (calculated as anhydrous citric acid).

(b) *Brix* means the soluble solids content as determined by the method prescribed in the Official Methods of Analysis of the Association of Official Analytical Chemists—solids by means of spindle (Association of Official Analytical Chemists, Inc., Official Methods of Analysis of the Association of Official Analytical Chemists). This text is updated periodically, and any update or change in the method of analysis would be incorporated, as warranted, in the latest edition. The Brix may be determined by any other method that gives equivalent results.

(c) *Brix/acid ratio* means the ratio of the degrees Brix of the juice to the grams of anhydrous citric acid per 100 milliliters of the juice.

(d) *Color.*

(1) Pineapple juice.

(i) *Very good* color means the juice possesses a bright typical varietal color ranging from light yellowish beige to a golden amber or golden pinkish cast typical of freshly pressed and properly processed juice from mature, well-ripened pineapple.

(ii) *Good* color means the juice possesses a typical varietal color which may be slightly dull (but not off-color) yet normal for freshly pressed and properly processed juice from mature, well-ripened pineapple.

(2) Pineapple juice from concentrate.

(i) *Very good* color means the juice possesses a typical varietal color ranging from light yellowish beige to a golden amber or golden pinkish cast typical of reconstituted and properly processed juice from mature, well-ripened pineapple.

(ii) *Good* color means the juice possesses a typical varietal color which may be slightly dull (but not off-color), yet normal for reconstituted and properly processed juice from mature, well-ripened pineapple.

(e) *Defects* means excess pulp, dark specks, pieces of shell, seeds, or other coarse or hard substances that are objectionable particles.

(1) *Practically free* from defects means the defects that are present do not more than slightly affect the appearance or palatability of the juice.

(2) *Reasonably free* from defects means the defects that are present do not more than materially affect the appearance or palatability of the juice.

(f) *Finely divided insoluble solids* means the particles in the juice that separate from suspension by centrifuging.

(g) *Flavor.*

(1) *Very good* flavor means the juice possesses a distinct varietal flavor that is typical of freshly extracted juice (pineapple juice) or typical of reconstituted juice (pineapple juice from concentrate) that is properly processed from mature, well-ripened pineapple.

(2) *Good* flavor means the juice possesses a normal varietal flavor that may be slightly caramelized but is not off-flavor.

(h) *Sample unit* means a container and/or its entire contents, a portion of the contents of one or more containers or other unit of commodity.

§ 52.1764 Recommended sample unit sizes.

The factors of quality and analysis may be determined based on the following sample unit sizes:

(a) The entire contents of a container;

(b) A representative portion of the contents of a container;

(c) A combination of the contents of two or more container; or

(d) A representative portion of processed product stored or held in bulk containers.

§ 52.1765 Grades.

(a) *U.S. Grade A* is the quality of pineapple juice or pineapple juice from concentrate that meets the applicable requirements of Table I or Table II.

(b) *U.S. Grade B* is the quality of pineapple juice or pineapple juice from concentrate that meets the applicable requirements of Table I or Table II.

(c) *Substandard* is the quality of pineapple juice or pineapple juice from concentrate that fails to meet the requirements for U.S. Grade B.

§ 52.1766 Factors of quality and analysis.

The grade of a lot of pineapple juice or pineapple juice from concentrate is based on observation and analysis of the juice for the following quality and analytical factors:

(a) *Quality:*

(1) Color;

(2) Defects;

(3) Flavor; and

(4) Total Score.

(b) *Analytical:*

(1) Acid measurements;

(2) Brix measurement;

(3) Brix/acid ratio; and

(4) Finely divided insoluble solids.

(c) The relative importance of each quality factor if expressed numerically on the scale of 100. The maximum number of points that may be given each factor is;

Factors:	Points
Color	20
Defects	40
Flavor	40
Total score	100

(d) The essential variations within each factor are so described that the value may be determined for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, 17 to 20 points means 17, 18, 19, or 20 points) and

the score points shall be prorated relative to the degree of excellence for each factor.

§ 52.1767 Fill of container.

The standard of fill of container for pineapple juice or pineapple juice from concentrate is a fill of not less than 90 percent of the total capacity of the container except when the food is frozen. Pineapple juice or pineapple juice from concentrate that does not meet this requirement is "Below Standard in Fill."

§ 52.1768 Requirements for grades.

TABLE I.— PINEAPPLE JUICE

Factors	Grade A	Grade B
Quality:		
Color	Very good	Good.
Score points	17 to 20	14 to 16.
Defects	Practically free	Reasonably free.
Score points	34 to 40	28 to 33.
Flavor	Very Good	Good.
Score points	34 to 40	28 to 33.
Total score (minimum)	85 points	70 points.

Factors	Grade A		Grade B	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Analytical:				
Acid: (maximum)	1.10 g/100 ml	1.10 g/100 ml	1.35 g/100 ml	1.35 g/100 ml
Brix: (minimum)	12.0°	12.5°	10.5°	11.0°
Soluble pineapple juice solids (percent by weight of finished product prior to addition of sweetener): (mimimum).	12.0	12.0	10.5	10.5
Brix/acid ratio: (mimimum)	12.0:1	12.01:1	12.0:1	12.0:1
Finely divided insoluble solids (percent by volume): Range.	5 to 26%	5 to 26%	5 to 30%	5 to 30%

TABLE II.—PINEAPPLE JUICE FROM CONCENTRATE

Factors	Grade A	Grade B
Quality:		
Color	Very good	Good.
Score points	17 to 20	14 to 16.
Defects	Practically free	Reasonably free.
Score points	34 to 60	28 to 33.
Flavor	Very good	Good.
Score points	34 to 40	28 to 33.
Total score (minimum)	85 points	70 points.

Factor	Grade A		Grade B	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Analytical:				
Acid: (maximum)	1.10 g/100 ml	1.10 g/100 ml	1.35 g/100 ml	1.35 g/100 ml
Brix: (minimum)	12.8°	13.0°	12.8°	13.0°
Soluble pineapple juice solids (percent by weight of finished product prior to addition of sweetener): (minimum).	12.8	12.8	12.8	12.8
Brix/acid ratio: (minimum)	12.0:1	12.0:1	12.0:1	12.0:1
Finely divided insoluble solids (percent by volume): Range.	5 to 26 percent.	5 to 26 percent.	5 to 30 percent.	5 to 30 percent

§ 52.1769 Sample size.

The sample size used to determine whether pineapple juice meets the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

§ 52.1770 Lot requirements.

A lot of pineapple juice or pineapple juice from concentrate is considered as meeting the requirements for quality if:

(a) The requirements specified in Table I or II, as applicable, are met; and

(b) The sampling plans and procedures in 7 CFR 52.1 through 52.83 are met.

Done at Washington, DC, on August 4, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-17918 Filed 8-8-86; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Notice of Proposed Temporary Revision of Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal to relax temporarily certain provisions of the Nebraska-Western Iowa Federal milk order. The proposed action would relax for the months of September through December 1986 the limits on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The action was requested by a cooperative association representing a substantial number of producers supplying the market in order to prevent uneconomic movements of milk.

DATE: Comments are due no later than August 10, 1986..

ADDRESS: Comments (two copies) should be sent to: Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1065.13(d)(4) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of September through December 1986.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to the Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to seven days because a longer period would not provide the time needed to complete the required procedures and include September 1986 in the temporary revision period.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The provisions proposed to be revised are the diversion limitation percentages set forth in § 1065.13(d). The revisions would be applicable for the months of September through December 1986. The specific revisions would increase the diversion limitation percentages for the months of September through December 1986 by 20 percentage points from the present 40 percent to 60 percent. The order's diversion limits were revised temporarily from 50 to 60 percent for the months of May through August 1986.

Section 1065.13(d) of the Nebraska-Western Iowa milk order allows the Director of the Dairy Division to increase the diversion limitation percentages by up to 20 percentage points during any month to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc. (AMPI), a cooperative association which represents producers supplying the Nebraska-Western Iowa market, requested that for the months of September through December 1986, the percentage of allowable diversions be increased 20 percentage points.

The cooperative states that producer milk pooled under the order during the first six months of 1986 increased 11 percent over the same period in 1985. AMPI believes that the percentage of production increase will decline somewhat as a result of the Dairy Termination Program, but that production will not drop below 1985 levels before the end of 1986. The cooperative therefore expects to have a larger surplus of milk to dispose of in the fall of 1986 than in the same period last year, when a temporary revision of the diversion limits was also necessary.

According to the association, the milk surplus to the fluid needs of the market must go to manufacturing facilities. For the purposes of preserving milk quality by requiring less pumping and allowing milk to be moved in the most efficient manner possible, the cooperative states that the most desirable way of handling the additional milk is to ship it directly to nonpool plants. AMPI believes that the proposed temporary increase in diversion limits will have no effect on the ability of distributing plants to obtain needed supplies of milk for Class I use, and will prevent shipments merely for the purpose of assuring that dairy farmers historically associated with the market will continue to have their milk priced under the order.

PART 1065—AMENDED

Therefore, it may be appropriate to relax the aforementioned provisions of § 1065.13(d) for the months of September through December 1986 to prevent uneconomic shipments of milk.

List of Subjects in 7 CFR Part 1065

Milk Marketing Orders,
Milk,
Dairy Products.

The authority citation for 7 CFR Part 1065 continues to read as follows:

Authority: (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, DC, on: August 6, 1986.

C. H. Plumb

Acting Director, Dairy Division.

[FR Doc. 86–18011 Filed 8–8–86; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1709

Criteria for the Development, Approval and Use of Power Requirements Studies Prepared by REA Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1700 by adding part 1709—PRIMARY SUPPORT DOCUMENTS, subpart A—Power Requirements Study, sections 1709.1–1709.6. The proposed rule will set forth the rules and procedures to be followed by REA and its borrowers for the development, approval and use of Power Requirement Studies (PRS). Currently, this material is set forth in REA Bulletin 120–1 "Development, Approval and Use of Power Requirements Studies." The primary purposes of this proposed rulemaking action are to (1) codify the regulations, (2) eliminate reference to the suggested procedure set forth in the Appendix to Bulletin 120–1 and (3) reduce Federal regulations. This proposed rule will impact only REA electric program borrowers.

DATE: Public comments must be received no later than October 10, 1986.

ADDRESS: Submit written comments to Archie W. Cain, Director, Electric Staff Division, Rural Electrification Administration, Room 1246 South Building, U.S. Department of Agriculture, Washington, DC 20250–1500. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division at the above address, telephone number (202) 382–1920. The Draft Impact Analysis describing the options considered in developing and implementing the proposal is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq., 1921 et seq.) (Act), REA proposes to amend its policy as set forth in REA Bulletin 120–1, "Development, Approval and Use of Power Requirements Studies."

This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. It will not (1) have an annual effect on the economy of $100 million or more; (2) result in major increases in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and, therefore, has been determined "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)),

and therefore, does not require an environmental impact statement or an environmental assessment. This is listed in the Catalog of Federal Domestic Assistance under No. 10.850, Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related notice to 7 CFR 3015 subpart V in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

The purpose of the present bulletin and the proposed rule is to provide the borrower and REA with the best information available on future electric power requirements of Rural Electrification Act beneficiaries. The proposed rule permits each borrower to determine the most appropriate method for developing its PRS. When making this determination, the borrower must consider its individual needs and resources as well as Rural Electrification Act requirements. REA recognizes that load projections are based on specific assumptions, available data, available resources and available methodology at the time the PRS is developed.

Section 1709.5 requires power supply borrowers and their members to develop a PRS Work Plan (PRS Work Plan is defined in text of Proposed Rule). This Work Plan, once approved by REA, becomes mandatory procedure for the power supply borrower and its members.

Each member system of a power supply borrower shall participate in the development of its power supplier's PRS Work Plan and PRS. The power supplier's PRS must include a PRS for each member system. The member system PRS after approval by REA will be acceptable to REA as support for the member's request for REA financial assistance.

Distribution borrowers which are not members of a power supply borrower are exempt form § 1709.5.

Distribution borrowers not subject to section 1709.5 must support their choice of procedure in their PRS. Each such borrower is to formally apprise REA of its decision prior to committing significant time and resources to its PRS.

List of Subjects in 7 CFR 1709

Administrative practices and procedures, Electric utilities, Loan programs—Energy.

In view of the above, 7 CFR 1700 is amended by adding a new Part 1709, Primary Support Documents, Consisting of Subpart A—Power Requirements Studies, to read as follows:

PART 1709—PRIMARY SUPPORT DOCUMENTS

Subpart A—Power Requirements Studies

Sec.

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

Subpart A—Power Requirements Studies

§ 1709.1 General.

This subpart sets forth the policies, procedures and criteria for the development, approval and use of Power Requirements Studies satisfactory to REA as prepared by electric borrowers.

§ 1709.2 Definitions.

(a) "PRS" means Power Requirements Study or Power Requirements Studies. A Power Requirements Study is the study of an electric borrower's electric system loads, its service area, its members, its cost of electric service and the past, present, and future of the economic outlook of its service area, in order to obtain valid estimates of the borrower's future electric system loads.

(b) "PRS Work Plan" is the plan of work to be used by a borrower in the development of its PRS.

§ 1709.3 Basic policies.

(a) *Prerequisite for financial assistance.* An REA-approved PRS is a prerequisite for REA approval of an electric borrower's request for loans, loan guarantees or other financial assistance pursuant to the Rural Electrification Act. The PRS shall be used in engineering, environmental and financial studies relating to major requests for financial assistance from REA.

(b) *Current information.* A PRS approved and updated within the previous 12 months is normally considered current by REA for the purposes of supporting a request for financial assistance.

(c) *Responsibility for studies.* Each electric distribution borrower and each power supply borrower is responsible for developing and maintaining a valid and current PRS for its system.

(d) *Coordination of studies.* Power supply borrowers and their members shall coordinate the development and maintenance of their respective PRS, as well as the PRS Work Plan discussed in section 1709.5.

(e) *Consistent forecasts.* Any PRS submitted to REA shall be consistent with other forecasts that the borrower is required to develop for state or Federal regulatory bodies.

(f) *Borrower determines method.* Each borrower shall consider its individual needs and resources when developing or adopting a method for its PRS. REA recognizes that load projections are based on specific assumptions, available data, industry-accepted methodologies and other resources at the time the PRS is developed.

(g) *Load management.* All reasonable electric utility industry accepted load management techniques must be evaluated to estimate how they could influence the use of electricity by resulting in the reduction of peak demand, improving load factors or otherwise help to utilize resources to best advantage consistent with sound economies and acceptable standards of service. See REA Bulletin 140–1, Load Management Programs.

§ 1709.4 PRS for distribution borrowers.

(a) *General.* This section sets forth the requirements for the development and maintenance of PRS for electric distribution borrowers. The requirements of this section apply to all electric distribution borrowers regardless of their source of power supply.

(b) *Purpose of a distribution borrower's PRS.* A distribution borrower's PRS is the study of the borrower's past and present electric system loads, its service area, its members, its costs, and the economic outlook of its service area to: (1) Determine what factors influence the borrower's electric system kW and kWh requirements and (2) develop valid estimates of the type and magnitude of the borrower's future electric system loads in terms of the number of consumers served and their kWh usage by class as well as system kW demand for each of the next 10 years.

(c) *Use of study.* The distribution borrower's PRS shall be used in:

(1) Engineering studies of the borrower's existing and planned electric system,

(2) Studies of the borrower's existing and planned loan management program,

(3) Present rate analysis and future rate studies,

(4) Financial forecasts, and

(5) Loan feasibility studies.

The distribution borrower's PRS shall also be used by the power supply

borrower of which it is a member in the development of the power supply borrower's PRS.

(d) *Basic components of a distribution borrower's PRS.* (1) Evaluation of the personnel, data processing, data and methodology resources available. The evaluation shall consider both internal and external resources.

(2) Advise REA of the time and resources the borrower will use in the development of the PRS.

(3) Analyses of the borrower's electric system loads, service area, members, and cost of electric service adjusted for weather conditions, economic conditions and load management programs as appropriate.

(4) Development of the assumptions and forecasts using the judgment and knowledge gained through (i) an intimate familiarity with the subject system, (ii) general experience and (iii) external inputs, as appropriate.

(5) Subject assumptions to rigorous sensitivity tests.

(6) Establishment of a sound basis for the tracking and evaluation of the PRS.

(e) *Documentation.* The PRS shall include: (1) A discussion that describes the resources available to the borrower and how those resources were utilized in the preparation of its PRS. Resources which must be discussed include data availability, data processing equipment and programs, qualified personnel and managerial inputs, among others.

(2) A discussion that describes and explains the analysis of the borrower's electric system loads and other pertinent information. Maps shall be used whenever practical in descriptions of the service area's geography and land use. Graphs and spreadsheets of all tabular data considered in the analysis, such as 120 months of the data now reported on REA Form 7, part R, as well as weather, economic, demographic, and power cost data shall be included. Revenues must be adjusted for economic conditions. All sources of data and information must be clearly identified and dated in this discussion.

(3) A discussion that describes and explains all assumptions, and other considerations, including load management considerations as well as the methods and procedures used to develop future electric system load projections. The addition or cancellation of a major capital project by a borrower's power supplier will normally have a significant effect on wholesale and retail rates or revenue requirements. Therefore sensitivity analyses reflecting these possibilities shall be included. When power is purchased from an REA-financed power supplier the power supplier's, most recent forecasted rates or revenue requirements for wholesale power must be used. The assumptions used in the forecast of rates or revenue requirements for wholesale power must be discussed, regardless of power supplier.

(4) A graphical and spreadsheet presentation of the estimated high, most probable and low power requirement scenarios by usage classifications and system totals. High and low scenarios are necessary to take into account the variability of weather, although other factors may also need to be considered as determined by the borrower or REA.

(5) A summary of the results on REA Forms 341 and 345. These forms are available on request from REA.

(6) A recommendation as to how the borrower's future PRS could be improved through the use of improved resources, data collection and coordination with its power supplier.

(7) Establishment of procedures which will provide a sound basis for the tracking and evaluation of the PRS.

(8) A discussion of borrower's coordination with REA and its power supplier. If a borrower is a member of a power supply borrower, the member must send the power supply borrower monthly load data as it becomes available. REA Form 7 may be used for this purpose. The borrower shall participate in workshops and meetings with the power supplier concerning PRS.

(9) Rural Electrification Act (RE Act) beneficiary and non-RE Act beneficiary loads must be identified and catalogued.

(10) Approval of the PRS by the borrower's Board of Directors.

§ 1709.5 PRS for power supply borrowers and their members.

(a) *General.* This section sets forth the requirements for the development and maintainance of PRS for power supply borrowers and their members. Power supply borrowers shall annualy provide REA with a PRS which meets the conditions and terms of this section.

(b) *Purpose of Power Supply Borrower's PRS.* A power supply borrower's PRS is the study of the borrower's past and present electric system loads, its service area, its members and the economic outlook of its service area to: (1) determine what factors influenced those electric system loads and (2) develop valid estimates of future electric system loads in terms of system total, each member system, ultimate consumer classifications, and ultimate consumer for each of the next 15 years.

(c) *Use of study.* The power supply borrower's PRS shall provide a basis for engineering studies of the existing and planned generation, transmission and load management systems, rate analysis, financial studies and forecasts, risk analyses and loan feasibility studies. The power supply borrower's PRS shall also be used by its members in the development of the members' PRS.

(d) *PRS work plan.* Each power supply borrower shall prepare a PRS Work Plan which recommends the procedures for the development, approval and use of the PRS for its service area. The PRS Work Plan establishes the criteria, resources, method, and schedule required for the preparation of PRS satisfactory to the power supply borrower, its members and REA. This work plan shall be approved by the power supply borrower's Board of Directors before submittal to REA for final approval.

(1) The power supply borrower shall make available in formats acceptable to REA all documents, information, data, working papers and other documentation which REA may deem necessary for review and approval of the power supply borrower's PRS Work Plan as well as its PRS.

(2) Formal REA review and approval of a power supply borrower's PRS will normally begin only after the PRS Work Plan has been approved by the borrower's Board of Directors and REA. Amendments to the Work Plan can be made by the borrower at any time subject to REA approval. REA is under no obligation to accept or continue to accept a PRS Work Plan that has been previously approved if the PRS Work Plan did not produce a valid PRS as determined by REA.

(3) Power supply borrowers shall design their PRS Work Plan to:

(i) Produce a valid and fully-documented PRS every year considering such factors as the cost of electric service to the consumer, economic conditions, and system weather sensitivity, as well as, including an evaluation of past and future kWh and kW demand in its service area and; past and future load management programs, among others. The PRS must use completely valid, accessible and verifiable techniques such as econometric and end-use modeling or a combination thereof.

(ii) Provide for distribution and power supply member input and concurrence.

(iii) Provide for an interactive and ongoing REA review of the process during the development of the PRS.

(iv) Provide for improvement of future PRS by developing improved resources and data collection.

(v) Include periodic consumer surveys coordinated with its member systems to

provide data regarding appliance and equipment saturation and use. Surveys of each member system shall be conducted as a block at least every 3 years.

(vi) Provide for a sound basis for annually tracking and evaluating the PRS by the power supply borrower, its members, and REA.

(e) *Coordination between power supply borrowers and their members.* Each member system of a power supply borrower shall participate in the development of the PRS Work Plan and the power supply borrower's PRS. The power supply borrower shall provide certification of such participation and other coordination activities. A PRS of a distribution borrower developed in conformance with an REA-approved PRS Work Plan shall be used as support of the distribution borrower's request for REA financial assistance, subject to an independent REA review and approval of the distribution borrower's PRS.

(f) *Special waiver.* REA may grant a waiver of all or part of this subpart on a case-by-case basis, if in its judgment, such a waiver is warranted. Such a waiver must be requested by the borrower's Board of Directors with adequate supporting documentation to thoroughly identify the specific circumstances which have caused the request.

§ 1709.6 Basic Criteria for REA Approval of a PRS.

This section sets forth the basic criteria for REA for approval of a PRS for a distribution or power supply borrower.

(a) The PRS has objectively taken into consideration all relevant factors that impact the consumption of electricity and demonstrates an in-depth knowledge and understanding of those factors.

(b) The PRS includes an estimate of the accuracy and the range of possible outcomes as well as identifying the most probable outcome.

(c) The borrower's top management is thoroughly familiar with the development and preparation of the PRS, including its assumptions, and can support and defend it responsibly.

(d) A sound basis for the tracking and evaluation of the PRS is included to determine if the PRS Work Plan should be revised.

(e) A sound basis exists for the collection of relevant data for future PRS.

(f) The PRS accurately identifies Rural Electrification Act beneficiary needs and non-RE Act beneficiary needs.

(g) The borrower has used sufficient and reasonable resources, assumptions and methods to develop an adequate study. The PRS is adequately documented to allow for a thorough and independent review.

(h) The PRS of a power supply organization and its members were effectively coordinated and each includes input from consumer surveys coordinated by the power supplier. This paragraph applies only if the power supply organization is an REA borrower.

(i) The PRS has been approved by the borrower's Board of Directors.

Dated: May 21, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86-18012 Filed 8-8-86; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-86-15; Docket 25059]

Summary of Rulemaking Petition Received From Pan Am Corporation

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of a petition by Pan Am Corporation, on behalf of Pan Am Shuttle, Inc., seeking to reallocate 12 operating slots at LaGuardia Airport to petitioner. The slots are currently included in the category reserved for use by general aviation operators. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before October 10, 1986.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-204], Docket No. 25059, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Leonard Smith, telephone (202) 267-3073.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket [AGC-204], Room 916, FAA Headquarters Building [FOB-10A], Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

Petitioner requests on behalf of Pan Am Shuttle, Inc., that the requirements of the High Density Traffic Airport Rule, 14 CFR Part 93, Subpart K, be amended to transfer 12 slots currently allocated for general aviation operations at LaGuardia Airport to petitioner. The High Density Traffic Airport Rule currently limits the number of air carrier, commuter, and other operations at O'Hare International Airport in Chicago, LaGuardia and Kennedy International Airports in New York, and Washington National Airport in Washington, DC. Petitioner requests that 12 of the slots currently reserved for "other" operations at LaGuardia Airport be changed to air carrier category slots and allocated to petitioner, to provide additional slots for a Washington, DC-New York-Boston shuttle operation which petitioner plans to initiate. The requested change would amend § 93.123(a) of the Federal Aviation Regulations, 14 CFR 93.123(a).

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 5, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement.

[FR Doc. 86-17944 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement

Administration (DEA) to place the narcotic substances 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This proposed action by the DEA Administrator is based on data gathered and reviewed by DEA and independently evaluated by the Acting Assistant Secretary for Health, Department of Health and Human Services. If finalized, this proposed action would impose the regulatory control mechanisms and criminal sanctions of Schedule I on the manufacture, distribution and possession of MPPP and PEPAP.

DATE: Comments must be submitted on or before September 10, 1986.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On July 10, 1985, the Administrator of the Drug Enforcement Administration issued a final rule in the Federal Register temporarily placing MPPP and PEPAP into Schedule I of the CSA pursuant to the emergency scheduling provisions of 21 U.S.C. 811 (h). This action which became effective on August 12, 1985 was based on a finding by the Administrator that the emergency scheduling of MPPP and PEPAP was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to six months. Under this provision, the temporary scheduling of MPPP and PEPAP which would expire on August 12, 1986 may be extended until February 12, 1987. This extension is being ordered by the Administrator of DEA in a separate action.

Since the temporary scheduling of MPPP and PEPAP, DEA has continued to gather information regarding the abuse and abuse potential of MPPP and PEPAP and the clandestine manufacture, distribution and trafficking of this substance. By letter dated June 12, 1986, the DEA Administrator submitted the data which DEA had gathered regarding MPPP and PEPAP to the Acting Assistant Secretary for Health, Department of Health and Human Services. In accordance with the provisions of 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for MPPP and PEPAP from the Assistant Secretary for Health. On July 23, 1986, the DEA Administrator received a reply from the Assistant Secretary for Health recommending that MPPP and PEPAP be placed into Schedule I of the CSA. A portion of the letter is set forth below:

> At my direction, the Food and Drug Administration (FDA) prepared a written evaluation of the document which you provided. That agency also determined that no applications are on file for investigations of these substances for any therapeutic indication. The National Institute on Drug Abuse was notified of the proposed control recommendation and has concurred with the recommendation which the FDA forwarded to my office. Both agencies find that MPPP and PEPAP meet the criteria for control in Schedule I of the Controlled Substances Act. I agree with the finding and recommend that MPPP and PEPAP be controlled in Schedule I of the Controlled Substances Act. You should find attached the document which I received from the FDA which formed the basis for my recommendation.

Briefly, the information gathered and reviewed by DEA and the scientific and medical evaluation by the Assistant Secretary for Health shows that MPPP and PEPAP: (1) Are potent anologs of meperidine, a Schedule II narcotic substance, (2) produce the narcotic effects of typical morphine-like compounds including physical dependence after chronic administration, (3) are not approved for marketing by the Food and Drug Administration or commercially available in the United States, (4) are manufactured in clandestine laboratories, (5) have been identified by forensic laboratories in submissions of drug evidence from the West Coast, (6) have been associated with the production of drug-induced Parkinson's disease in a number of users, and (7) continue to pose a threat to the public health and safety.

Based on the information gathered and reviewed by DEA and relying on the scientific and medical evaluation and scheduling recommendation of the Assistant Secretary for Health in accordance with 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

1. Based on information now available, MPPP and PEPAP have a high potential for abuse;

2. MPPP and PEPAP have no currently accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of MPPP or PEPAP under medical supervision.

The Administrator further finds that MPPP and PEPAP are opiates as defined in 21 U.S.C. 802(18) since they have an addiction-forming and addiction-sustaining liability similar to that of morphine. Consequently, MPPP and PEPAP are narcotics since the definition of a narcotic, as stated in 21 U.S.C. 802(17)(A) includes: "Opium, opiates, derivatives of opium and opiates."

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the proposed placement of MPPP and PEPAP into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). The substances MPPP and PEPAP, proposed for control in this notice, have no legitimate use or manufacturer in the United States. In accordance with the provisions of Title 21, United States Code, section 811(a), this proposal to place MPPP and PEPAP into Schedule I is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11 is amended by adding new paragraphs (b)(31) and (b)(39), and redesignating the existing paragraphs (b)(31) through (b)(37) and (b)(38) through (b)(46) as (b)(32) through (b)(38) and (b)(40) through (b)(48), respectively:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(31) 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP)	9661

* * * * *

(39) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP)	9663

* * * * *

Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-17949 Filed 8-8-86; 8:45 am]

BILLING CODE 4410-09-M

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21 CFR Part 1308

Schedules of Controlled Substances; Placement of Tiletamine and Zolazepam Into Schedule I and the Placement Of Certain Preparations Which Contain Both Tiletamine and Zolazepam Into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration. It proposes the placement of the substances, tiletamine and zolazepam, into Schedule I of the Controlled Substances Act and the placement of preparations which contain equal amounts of both tiletamine and zolazepam into Schedule III. This action reinstates an action which was proposed in 1981 and not completed. The effect of this action is to facilitate the marketing of a veterinary pharmaceutical product and to discourage the abuse of the product and the individual ingredients.

DATE: Comments must be submitted on or before September 10, 1986.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537. Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

A proposed rule was published in the **Federal Register** on July 9, 1981 (46 FR 35529-35531), proposing that the substances, tiletamine and zolazepam, be placed into Schedule I and that preparations containing equal weights of both be placed into Schedule III of the Controlled Substances ACt (CSA) (21 U.S.C. 801 et seq.). The action was initiated in response to a letter from the then Acting Assistant Secretary for Health, Department of Health and Human Services, which recommended that tiletamine and zolazepam be placed into Schedule III when the Food and Drug Administration (FDA) approved the new Animal Drug Application (NADA) for Telazol®. Comments supporting the proposed action were received from the American Veterinary Medical Association. The American Association of Zoo Veterinarians and the Warner-Lambert Company objected to the placement of tiletamine and zolazepam into Schedule I and the Warner-Lambert Company, the sponsor of the NADA, requested an administrative hearing.

On December 8, 1981, the then Administrator of the Drug Enforcement Administration (DEA), withdrew the proposed rule as it applied to the control of tiletamine and zolazepam and reaffirmed the proposed placement of preparations containing equal amounts of both substances into Schedule III (46 FR 60008-60009). The Administrator denied the request for a hearing since withdrawal of the proposed action seemed to obviate its necessity and stated that the drug control action, as it applied to the mixture, would be finalized when the FDA approved the NADA for Telazol®. No comments or objections were received in response to that announcement.

On April 9, 1982, the then Acting Director of the FDA Bureau of Veterinary Medicine, announced approval of a NADA for Telazol® (47 FR 15328-15329). The DEA proposal to place preparations containing equal amounts of tiletamine and zolazepam into Schedule III of the CSA was not finalized. In view of the time which has elapsed since the former Administrator issued the proposed rule, the current Administrator is initiating the drug control process anew and is again proposing that tiletamine and zolazepam be placed into Schedule I and that preparations containing equal weights of each substance be placed into Schedule III.

The former Administrator of the Drug Enforcement Administration received a letter dated March 18, 1981 from the then Acting Assistant Secretary for Health, on behalf of the former Secretary of the Department of Health and Human Services, recommending that tiletamine and zolazepam be placed into Schedule III of the CSA if and when the FDA approved the NADA for Telazol®. Enclosed with the letter from the Acting Assistant Secretary was a scientific and medical evaluation which listed the factors which the Act requires the Secretary to consider, and summarized the matters considered by the Acting Assistant Secretary in recommending the control of tiletamine, zolazepam and the veterinary product under the Controlled Substances Act. The factors considered by the Secretary for each entity were:

(1) Its actual or relative potential for abuse.

(2) Scientific evidence of its pharmacological effects, if known.

(3) The state of current scientific knowledge regarding the drug or other substance.

(4) Its history and current pattern of abuse.

(5) The scope, duration and significance of abuse.

(6) What, if any, risk there is to the public health.

(7) Its psychic or physiological dependence liability.

(8) Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

The Administrator, in accordance with section 201(b) of the ACT [21 U.S.C. 811(b)], has relied on the scientific and medical evaluations and the

recommendations of the Acting Assistant Secretary for Health, which were provided pursuant to section 201(f) of the Act [21 U.S.C. 811(f)].

Under 21 U.S.C. 811(a), the Administrator must apply the provisions of 21 U.S.C. 812 when considering whether to add a drug or other substance to a schedule. Title 21, United States Code, section 812(b) provides that a drug or other substance must have an accepted medical use in treatment in the United States in order that it be considered for placement into Schedules II, III, IV or V. That section also provides that a drug or other substance which has no currently accepted medical use in treatment in the United States be considered for placement into Schedule I.

The Administrator finds that approval of the NADA for the tiletamine-zolazepam combination product means that the product has an accepted medical use in treatment in the United States. The letter of the then Acting Assistant Secretary of Health was silent with respect to whether approval of the NADA confers accepted medical use status on the individual components of a veterinary combination product. However, the then Acting Director of the FDA Bureau of Veterinary Medicine specifically advised that neither of the ingredients, taken separately, had an acceptance in treatment in the United States. Currently neither tiletamine nor zolazepam is approved for marketing in the United States in single entity preparations for use in medical treatment.

Tiletamine, a chemical analog of phencyclidine (PCP), has pharmacological properties similar to that Schedule II substance. In addition, when administered alone, convulsive seizures and clonic muscular reactions result in some species of animals. When zolazepam is combined with tiletamine, the convulsive and clonic muscular reactions are absent. Currently there is no approved veterinary use for tiletamine as a single entity. Tiletamine is a hallucinogenic substance. In that PCP has been demonstrated to have a high potential for abuse, the Administrator finds in relation to the substance tiletamine, its salts, isomers, and salts of isomers that:

(1) Tiletamine has a high potential for abuse.

(2) Tiletamine has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of tiletmaine under medical supervision.

Zolazepam is chemically and pharmacologically related to chlordiazepoxide, diazepam and other benzodiazepines in Schedule IV. In addition, when administered alone, zolazepam produces bizarre behavioral reactions in some species of animals. When combined with tiletamine, the behavioral effects are absent. Acute lethality data indicate that zolazepam is considerably more toxic than the beonzodiazepines which are currently available for use in medical treatment. Although zolazepam has not been tested in human subjects, nor have animal studies been conducted to precisely determine the relative abuse potential of the substance, zolazepam is chemically and pharmacologically similar to other benzodiazepines which have been subject to a considerable amount of abuse and have presented unexpectedly severe medical consequences when withdrawal is attempted. Unlike these other benzodiazepines, the toxicity of zolazepam is significantly greater, the substance has not been accepted for use as a single entity, and its safety for use under medical supervision has not been established. Therefore, the Administrator finds in relation to the substance, zolazepam, its salts, isomers, and salts of isomers that:

(1) Zolazepam has a high potential for abuse.

(2) Zolazepam has not currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of zolazepam under medical supervision.

In 1982, the FDA Bureau of Veterinary Medicine (currently, the FDA Center for Veterinary Medicine) approved a NADA for a mixture of tiletamine hydrochloride and zolazepam hydrochloride for use as an anesthetic agent in dogs and cats. As the product has not been marketed, no data are available on actual human abuse. The abuse potential of the mixture was evaluated in animal studies and the then Acting Assistant Secretary found that the mixture has a potential for abuse less than the drugs or other substances in Schedules I and II. The pharmacological profile of the mixture is similar to that of PCP, and the data are consistent with the concept that the mixture will initiate and maintain self-administration behavior. The mixture was found to have positive reinforcing properties in drug-experienced rhesus monkeys, indicating that ingestion of the drug may produce high psychological dependence in humans. Unlimited access to the mixture resulted in a mild to moderate withdrawal syndrome in monkeys, indicating that the mixture produces moderate or low physical dependence.

The Administrator finds in relation to a mixture of equal weights of tiletamine and zolazepam and salts thereof that:

(1) The above described mixture has a potential for abuse less than the drugs or other substances in Schedules I and II.

(2) The above described mixture has an accepted medical use in treatment in the United States.

(3) Abuse of the above described mixture may lead to moderate or low physical dependence or high psychological dependence.

Interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. In the event comments, objections or requests for a hearing received in response to this proposal raise one or more issues which warrant a hearing, the Administrator will publish in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less that 30 days after the date of the order. If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue a final order pursuant to 21 CFR 1308.48 without a hearing.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of tiletamine and zolazepam into Schedule I and the placement of commercial products which contain equal quantities of tiletamine and zolazepam into Schedule III of the Controlled Substances Act will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). These proposed drug control actions relate to the initial control of two substances which are not marketed in the United States and to an approved product which may be used in medical treatment in the United States but which has not yet been marketed. Commercial products with contain tiletamine and zolazepam will be used in veterinary clinics. This rule, if finalized, will cause such establishments to handle products which contain tiletamine and zolazepam in a manner identical to that already

used in relation to other Schedule III products.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place tiletamine and zolazepam into Schedule I and certain preparations thereof into Schedule III, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Pursuant to the authority vested in the Attorney General by section 201(a) of the CSA [21 U.S.C. 811(a)] as redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and for the reasons set forth above, the Administrator hereby proposes to amend 21 CFR Part 1308 as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Paragraph (d) of § 1308.11 is amended by adding a new subparagraph (25) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) Hallucinogenic substances. * * *

(25) Tiletamine 7290
Some trade or other names: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

* * * * *

3. Paragraph (e) of § 1308.11 is amended by adding a new subparagraph (3) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(e) Depressants. * * *

(3) Zolazepam 2930
Some trade or other names: 4-(o-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole-[3,4,e] [1,4]-diazepin-7(1H)-one.

* * * * *

4. Paragraph (c) of § 1308.1 is amended by redesignating the existing paragraphs (c)(4) through (c)(11) as (c)(5) through (c)(12) and adding a new paragraph (c)(4), reading as follows:

§ 1308.13 Schedule III.

* * * * *

(c) Depressants. * * *

(4) Any compound, mixture or preparation containing equal weights of both tiletamine and zolazepam or any salt thereof and not mixed with other psychoactive substances 7295

* * * * *

Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-17950 Filed 8-8-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Iowa Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Iowa as an amendment to the State's permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted by letter dated June 16, 1986, consists of proposed changes that reorganize Iowa's State government. The proposed amendment would transfer all of the functions of Iowa's Department of Soil Conservation—including coal regulation and abandoned mine lands—to the newly created Division of Soil Conservation in the Iowa Department of Agriculture and Land Stewardship.

This notice sets forth the times and locations that the Iowa program and the proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., September 10, 1986 will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Iowa regulatory program. If requested, a public hearing on the proposed amendments has been scheduled for September 1, 1986. Any person interested in speaking at the hearing should contact Mr. William J. Kovacic at the address or telephone number listed below by August 26, 1986. If no person has contacted Mr. Kovacic by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administative Record.

ADDRESSES: The public hearing if requested, is scheduled for 1:00 p.m. at the Kansas City Field Office, 1103 Grand Avenue, Kansas City, Missouri 64106.

Written comments and requests for an opportunity to speak at the hearing should be directed to Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

Copies of the Iowa program, the proposed modification to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSMRE Field Office listed above and at the OSMRE Headquarters Office and the Office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Kansas City Field Office.

Office of Surface Mining Reclamation and Enforcement
Room 5315A
1100 L Street, NW.
Washington, DC 20240

Iowa Department of Soil Conservation
Wallace State Office Building
Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background to the Iowa Program

The Iowa program was conditionally approved by notice published in the January 21, 1981 Federal Register (48 FR

5885). The approval was made effective April 10, 1981. Information pertinent to the general background, revisions, modifications, and amendments to the Iowa program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 **Federal Register**. Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 915.11 and 915.15.

II. Submission of Revisions

By letter dated June 16, 1986, the Iowa Department of Soil Conservation submitted a proposed amendment that would transfer the functions of the coal regulatory program from the Department of Soil Conservation to the Division of Soil Conservation in the Department of Agriculture and Land Stewardship. This action is part of a reorganization of the Iowa State government.

The full text of the proposed program amendments submitted by Iowa is available for public inspection at the addresses listed above. Upon request to OSMRE's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendments. The Director now seeks public comment on whether the proposed amendments meet the requirement for approval pursuant to 30 CFR 732.17 and 732.15. If approved, the amendments will become part of the Iowa program.

III. Procedural Matters

1. *Compliance with the National Environmental Policy Act*

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C., 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act*

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act*

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 915

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: August 4, 1986.

Carl C. Close,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-18003 Filed 8-8-86; 8:45 am]
BILLLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[OW-FRL-3062-4]

Water Pollution Control; National Drinking Water Regulations; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Discussion of Criteria to be Included in Proposal; Notice of Public Meeting.

SUMMARY: EPA intends to propose criteria by which states determine which public drinking water systems, using surface water sources, will be required to filter. A two day public meeting will be held to discuss (1) draft criteria for determining which systems, using surface water sources, will need to install filtration treatment technologies and (2) draft criteria for assuring that "filtration" is being satisfactorily practiced where it is required. State and local public health officials, public drinking water system managers and engineers, academia, consultants, public interest groups, and interested citizens are encouraged to attend.

DATE: September 10 & 11, 1986, from 9:00 am to 4:00 pm.

ADDRESS: The meeting will be held at: EPA Conference Room #3, North Conference Area, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Hogan, Criteria and Standards Division, Office of Drinking Water, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-382-7575).

SUPPLEMENTARY INFORMATION:

Legislative Mandate

The 1986 Amendments to the Safe Drinking Water Act require EPA to promulgate a regulation, by December 19, 1987, that specifies criteria by which states will determine which public drinking water systems, using surface source waters, will be required to filter.

Format

The meeting will begin with a presentation by EPA which will summarize the criteria that EPA is currently considering for the proposed rule. Members of the public will then be given an opportunity to make statements or presentations on issues relevant to the draft criteria. Most of the program will involve an informal open discussion of issues.

Registration and Availability of Draft Criteria

Any person wishing to attend the public meeting and to receive a copy of the draft criteria to be discussed should inform Mr. Patrick Hogan, by August 29, 202-382-7575. At that time, please inform Mr. Hogan if you intend to make a presentation. (Presentations should be limited to ten (10) minutes or less). After August 29, please contact Ms. Colleen Campbell on 202-382-3027 for information. Due to the large number of persons who may wish to participate in this meeting, the location indicated above may need to be changed. Please inquire through Ms. Campbell after August 30, 1986, to determine if there has been a change in location for the meeting.

Dated: August 4, 1986.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 86-17976 Filed 8-8-86; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. FE-85-01; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Model Years 1987-88

Correction

In FR Doc. 86-17209 beginning on page 27224 in the issue of Wednesday, July 30, 1986, make the following correction:

On page 27226, second column, fourth paragraph, ninth line, "May" should have read "MY".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1312

[Ex Parte No. 346 (Sub-No. 22) [1]]

Short Notice Effectiveness for Independently Filed Rail Carrier Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to 49 U.S.C. 10762(d)(1) and a petition filed by members of the Western Railroad Traffic Association, the Commission is considering reducing the notice period required for independently filed rate reductions and new rates. These filings would be permitted to become effective on 1-day's notice. The Commission finds that there has been no showing of cause to justify reduction of the statutory notice period for rail rate increases.

DATE: Comments are due by September 25, 1986.

ADDRESS: Send an original and 10 copies of comments referring to Ex Parte No. 346 (Sub-No. 22) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Lee A. Alexander, (202) 275-6442 or Larry Badian, (202) 275-6440.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 275-7428.

This action will not significantly affect either the quality of the human environment or energy conservation.

The Commission certifies that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, because it would reduce the regulatory delay for new rate filings and rate reductions and allow rail carriers to compete more effectively with other modes.

[1] Originally docketed as No. 39672, *Western Railroads—Petition to Establish Rulemaking Proceeding—Short Notice Effectiveness For Independently Filed Rail Carrier Rates.*

List of Subjects in 49 CFR Part 1312

Railroads, Freight tariffs.

Decided: August 4, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andree, and Lamboley. Chairman Gradison and Commissioner Andre concurred with separate expressions.

Noreta R. McGee,

Secretary.

Appendix

Chapter X of Title 49 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

1. The authority citation for 49 CFR Part 1312 would be revised to read as follows:

Authority: 49 U.S.C. 10708(d)(1) and (2) and 10762, 5 U.S.C. 553.

2. A new paragraph (E) is proposed to be added to § 1312.4(e)(1)(i) to read as follows:

§ 1312.4 Filing tariffs.

* * * * *

(e) * * *

(1) * * *

(i) * * *

(E) For independently set rates of rail carriers the general rule is 1-day's notice for reductions and new rates. *See* § 1312.39(h) for details.

* * * * *

§ 1312.39 [Amended]

3. The heading of § 1312.39(h) would be revised to read as follows:

(h) *Freight rate tariffs and classifications of railroads, motor common carriers of property and freight forwarders—notice for independent rate changes.*

4. A new sentence would be added to § 1312.39(h)(2) to read as follows:

"This provision does not apply to rail freight rate tariff increases. Such filings shall be made on statutory notice, *i.e.*, 20 days. *See* § 1312.4(e)(i)(1)(A)."

[FR Doc. 86-18016 Filed 8-8-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 60739-6139]

Fishery Conservation and Management; Foreign Fishing Permits

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) is seeking information on whether changes in foreign fishing permit conditions and restrictions are necessary and appropriate to protect the interests of the U.S. fishing industry. Written comments are invited and provide an opportunity for the public to participate in developing this information. NMFS will review information received to determine if changes should be made in foreign fishing permits, and determine the changes which would be consistent with existing provisions of the Magnuson Fishery Conservation and Management Act.

DATE: Written comments must be received by NMFS on or before September 25, 1986.

ADDRESSES: Send written comments to Fees, Permits, and Regulations Division, F/M12, National Marine Fisheries Service, Suite 900, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, NMFS, 202-673-5315.

SUPPLEMENTARY INFORMATION:

Background

Section 204(b)(7) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that the Secretary establish conditions and restrictions in each foreign fishing permit.

Section 204(b)(7) reads as follows:

(7) ESTABLISHMENT OF CONDITIONS AND RESTRICTIONS.—The Secretary shall establish conditions and restrictions which shall be included in each permit issued pursuant to any application approved under paragraph (6) and which must be complied with by the owner or operator of the fishing vessel for which the perrmit is issued. Such conditions and restrictions shall include the following:

(A) All of the requirements of any applicable fishery management plan, or preliminary fishery management plan, and the regulations promulgated to implement any such plan.

(B) The requirement that no permit may be used by any vessel other than the fishing vessel for which it is issued.

(C) The requirements described in section 201(c) (1), (2), and (3).

(D) If the permit is issued other than pursuant to an application approved under paragraph (6)(B), the restriction that the foreign fishing vessel may not receive at sea United States harvested fish from vessels of the United States.

(E) If the permit is issued pursuant to an application approved under paragraph (6)(B), the maximum amount or tonnage of United

States harvested fish which may be received at sea from vessels of the United States.

(F) Any other condition and restriction related to fishery conservation and management which the Secretary prescribes as necessary and appropriate.

Section 204(b)(6) covers approval of foreign applications and paragraph (6)(B) specifically pertains to applications to receive fish at sea from U.S. vessels. The reference to paragraphs (1), (2), and (3) of section 201(C) incorporates the requirements of the Governing International Fisheries Agreement as conditions of a permit. Conditions and restrictions described in paragraphs (A)–(D) of section 204(b)(7) are transmitted to each fishing nation prior to issuing a permit for vessels of that nation in a calendar year, and each nation must provide written agreement that its vessels will abide by these conditions and restrictions while fishing during that calendar year.

The remaining paragraphs have been the matters which stimulate wide ranging discussions and interpretations. In prescribing necessary and appropriate conditions and restrictions under paragraphs (E) and (F), the Secretary considers recommendations on each application provided by the appropriate Regional Fishery Management Councils (Councils), public comments, and also views of the Department of State and the Coast Guard.

The opinions expressed to date on the range of conditions and restrictions which should be applied under paragraphs (E) and (F) mainly favor their use to control the operations of foreign vessels receiving U.S. harvested fish (joint venture vessels). However, if NOAA were to apply the favored conditions and restrictions, a result would be indirect restriction on the operations of U.S. fishing vessels through provisions of the Magnuson Act which specifically address only foreign fishing. Certain restrictions have been applied to foreign vessels to protect the national security, and such restrictions are currently authorized by the foreign fishing regulations. No similar provision exists in the regulations for achieving broad economic objectives. Thus, NOAA believes this issue must be thoroughly discussed with the U.S. fishing industry.

The following represent the types of foreign fishing conditions and restrictions recommended to NOAA.

- Restrict foreign joint venture vessels from operating near domestic shoreside fish processing plants by applying area and time closures, or not approving joint ventures in certain fisheries which are otherwise available for joint ventures under section 204(b)(6).
- Terminate a country's or a foreign company's joint venture fishery if that nation or foreign company does not actively try to receive fish or fails to receive fish from U.S. fishermen in the amounts or at the rates proposed in its application.
- Terminate a joint venture fishery or directed fishery if a foreign operator or nation does not initiate, consummate or maintain purchases of shoreside fish products at specified levels, or in the amounts discussed at the time the foreign fishing application was considered by the concerned Regional Council.
- Require that any product from a joint venture fishery or directed fishery not reenter the United States if it is also available from domestic processors.
- Require a foreign fishing company to post a bond to guarantee payment of a court judgment to satisfy a contractual business agreement with a U.S. party.
- Allocate portions of the U.S. harvest to foreign joint venture vessels in direct relation to the amounts of fish purchased ashore.
- Impose equalization fees on foreign vessels processing in the EEZ fish received from domestic harvesting vessels.

Congress has considered whether the Magnuson Act, including the subject provisions of section 204, should be amended. Many members of the U.S. fishing industry expressed their views to Congress that section 204(b)(7)(F) should be expanded or clarified specifically to allow the Secretary to impose conditions and restrictions on foreign fishing permits based on general economic considerations which would benefit the U.S. industry. Although it has not amended section 204, it is possible that the Congress may address this issue in the future.

In order to assess current views on appropriate and necessary conditions and restrictions which might be applied under the Magnuson Act, NOAA offers this opportunity for the public to provide views and information on such conditions and restrictions and the objectives to be achieved by their application. NOAA also invites comments on the procedures for applying such conditions and restrictions—that is, through fishery management plans, an Agency policy statement, general foreign fishing regulations, or some other means. Comments are also requested on whether the current system of conditioning permits provides for adequate management of foreign fishing. NOAA will share these comments with Regional Councils which make recommendations on foreign fishing applications. It will then review the information derived through this notice, and where appropriate, consider whether future decisions on foreign fishing permits should include such conditions and restrictions. NOAA may propose regulations or issue a policy statement to clarify the position of the Agency on such conditions and restrictions if warranted.

Dated: August 6, 1986.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86–18001 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 154
Monday, August 11, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-602]

Antidumping; Certain Carbon Steel Butt-Weld Pipe Fittings From Brazil; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

SUMMARY: We have preliminarily determined that certain carbon steel butt-weld pipe fittings from Brazil are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend liquidation of all entries of carbon steel butt-weld pipe fittings from Brazil that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by October 20, 1986.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Michael Ready (202–377–2613) or John Brinkmann Jr. (202–377–3965), Office of Investigations, Import Administration, Inernational Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that certain carbon steel butt-weld pipe fittings from Brazil are being, or are likely to be, sold in the United States at less than fair value as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The weighted-average margin applicable to all exporters is 52.25 percent.

Case History

On February 24, 1986, we received a petition in proper form filed by the U.S. Butt-Weld Fitting Committee, in compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36). The petition alleged that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on March 17, 1986 (March 24, 1986, 51 FR 10069), and notified the ITC of our action.

On April 2, 1986, the ITC found that there is a reasonable indication that imports of certain carbon steel butt-weld pipe fittings from Brazil are materially injuring a U.S. industry (U.S. ITC Pub. No. 1834, April, 1986).

On April 24, 1986, we presented a questionnaire to counsel for Conforja, S/A. (Conforja), the only Brazilian exporter of the subject merchandise to the United States. On June 17, 1986, we received a letter from Conforja indicating that it did not intend to reply to the questionnaire.

Standing Issue

One U.S. producer, Tube Turns, Inc., opposes this investigation and maintains that the petition was not filed "on behalf of" a U.S. industry, as is required by section 732(b)(1) of the Act.

As we have previously stated, see *e.g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada,* 51 FR 10041, 10043 (March 24, 1986), neither the Act nor the Commerce Regulations requires a petitioner to establish affirmatively that it has the support of a majority of a particular industry. The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. No such showing has been made in this case. Tube Turns, the only member of the domestic industry to oppose the investigation, does not represent a major proportion of that industry.

Scope of Investigation

The products covered by this investigation are carbon steel butt-weld type pipe fittings, other than couplings, under 14 inches in inside diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, etc., and have been advanced after forging. These advancements may include any one or more of the following: Coining, heat treatment, shot blasting, grinding, die stamping or painting. These fittings are currently provided for under item 610.8800 of the *Tariff Schedules of the United States Annotated, (TSUSA).*

The period of investigation for this case is September 1, 1985 through February 28, 1986.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. Because there was no response to our questionnaire, we used United States price and foreign market value provided in the petition as the best information available pursuant to section 776(b) of the Act.

United States Price

Petitioner based United States price on the average customs unit values from Bureau of Census statistics of the subject merchandise imported from Brazil during the period January through October 1985.

Foreign Market Value

Petitioner based foreign market value on constructed value as defined in section 773(e) of the Act. The cost of materials and fabrication was calculated by petitioner based on United States manufacturing inputs and Brazilian values. To the sum of materials and fabrication cost, petitioner added the statutory minimums of 10 and 8 percent for general expenses and profit, respectively. Petitioner then added United States costs for packing.

Verification

As provided in section 776(a) of the Act, if we receive a timely and complete response, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel butt-weld pipe fittings from Brazil that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchanise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Weighted-average margin percentage
All manufacturers, producers, or exporters.....	52.25

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we made our preliminary affirmative determination or 45 days after we make our final affirmative determination.

Public Comment

In accordance with § 353.47 of our Regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:30 a.m. on September 4, 1986, at the United States Department of Commerce, Room B-841, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 28, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

This notice is published in accordance with section 733(f) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 4, 1986.

[FR Doc. 86-17988 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-602]

Antidumping; Certain Carbon Steel Butt-Weld Pipe Fittings From Japan; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

SUMMARY: We have preliminarily determined that certain carbon steel butt-weld pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend liquidation of all entries of certain carbon steel butt-weld pipe fittings from Japan that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by October 20, 1986.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Karen DiBenedetto, (202-377-1778) or Mary S. Clapp, (202-377-1769), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that certain carbon steel butt-weld pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The weighted-average margin applicable to all exporters is 59.60 percent.

Case History

On February 24, 1986, we received a petition in proper form filed by the U.S. Butt-Weld Fittings Committee, in compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36). The petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to intitate an antidumping duty investigation. We initiated the investigation on March 17, 1986 (March 24, 1986, 51 FR 10070), and notified the ITC of our action.

On April 2, 1986, the ITC found that there is a reasonable indication that imports of certain carbon steel butt-weld pipe fittings from Japan are materially injuring a U.S. industry (U.S. ITC Pub. No. 1834, April, 1986).

On April 28, 1986, we presented questionnaires to company officials at Awaji Sangyo K.K. and Nippon Benkan Kogyo Co. Ltd. An extension of time in which to respond was granted to both companies which account for approximately 80 percent of the exports to the United States during the period of investigation. On June 1986, we received the narrative versions of the questionnaire responses. On June 20, 1986, we received the computer tape version of the responses from both companies. Both of the questionnaire responses were insufficient. They did not include full product descriptions thus, we were unable to make such or similar merchandise comparisions. In one response, we could not determine whether certain sales were to home market or third country customers. The responses also contain contradictory information. In addition, the computer data bases did not fully reflect the information in the response or printed data bases. We are requesting corrected responses. Also, responsents did not

submit proper non-proprietary summaries on a timely basis.

Standing Issue

One U.S. producer, Tube Turns, Inc., opposes this investigation and maintains that the petition was not filed "on behalf of" a U.S. industry, as is required by section 732(b)(1) of the Act.

As we have previously stated, see *e.g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada*, 51 FR 10041, 10043 (March 24, 1986), neither the Act nor the Commerce Regulations require a petitioner to establish affirmatively that it has the support of a majority of a particular industry. The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. No such showing has been made in this case. Tube Turns, the only member of the domestic industry to oppose the investigation, does not represent a major proportion of that industry. (We note that Tube Turns is also related to a Japanese producer of the subject merchandise, and, as such, could be excluded from the definition of the domestic industry pursuant to section 771(4)(B) of the Act, for purposes of measuring standing. However, because the opposition does not come close to representing a majority of the industry, it is not necessary for us to resolve the question of whether such an exclusion is appropriate.)

Scope of Investigation

The products covered by this investigation are certain carbon steel butt-weld type pipe fittings, other than couplings, under 14 inches in inside diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, etc., and have been advanced after forging. These advancements may include any one or more of the following: coining, heat treatment, shot blasting, grinding, die stamping, or painting. These fittings are currently provided for under item 610.8800 of the *Tariff Schedules of the United States Annotated, (TSUSA)*. The period of investigation is September 1, 1985 through February 28, 1986.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. Because the questionnaire responses were improperly filed, as discussed above, both United States price and foreign market value were taken from the petition as representing the best information available pursuant to section 776(b) of the Act.

United States Price

Petitioner based United States price on C.I.F., duty-paid, discounted price list prices to the United States. Deductions were made for estimated U.S. inland freight, brokers fees, customs duties, ocean freight, and insurance.

Foreign Market Value

Petitioner based foreign market value on home market list ex-factory prices less discounts.

Verification

As provided in section 776(a) of the Act, if we receive timely, complete, and properly filed responses, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel butt-weld pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Weighted-average margin percentage
Awaji Sangyo, K.K.	59.60
Nippon Benkan Kogyo Co. Ltd.	59.60
All other manufacturers/producers/exporters	59.60

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we made our preliminary affirmative determination or 45 days after we make our final affirmative determination.

Public Comment

In accordance with § 353.47 of our Regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:30 p.m. on September 3, 1986, at the United States Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 27, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

This notice is published in accordance with section 733(f) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 4, 1986.

[FR Doc. 17989 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-605]

Antidumping; Certain Carbon Steel Butt-Weld Pipe Fittings From Taiwan; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

SUMMARY: We have preliminarily determined that certain carbon steel butt-weld pipe fittings (butt-weld pipe fittings) from Taiwan are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend liquidation of all

entries of butt-weld pipe fittings from Taiwan that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by October 20, 1986.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Mark McDonough (202–377–3798) or Mary S. Clapp (202–377–1769), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that butt-weld pipe fittings from Taiwan are being, or are likely to be, sold in the United States at less than fair value as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The dumping margins range from 4.38 percent to 87.30 percent, and the weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On February 24, 1986, we received a petition in proper form filed by the U.S. Butt-Weld Fittings Committee, in compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36). The petition alleged that imports of the subject merchandise from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on March 17, 1986 (March 24, 1986, 51 FR 10069), and notified the ITC of our action.

On April 2, 1986, the ITC found that there is a reasonable indication that imports of butt-weld pipe fittings from Taiwan are materially injuring a U.S. industry (U.S. ITC Pub. No. 1834, April, 1986).

We presented questionnaires to Rigid Industries (Rigid) on May 1, 1986, to Chup Hsin Enterprises (Chup Hsin) and Gei Bey Corporation (Gei Bey) on May 22, 1986, and to Chung Ming Pipe Fitting Manufacturing Company, Ltd. (C.M.) on May 24, 1986, since we had information indicating that they accounted for approximately 95 percent of the exports to the United States during the period of investigation. A response was received on June 13, 1986, from Rigid. Responses were received from C.M. on June 23, 1986, and June 27, 1986, following the request for and approval of a two-week extension in the due date. C.M.'s response lacked sufficient detail in its product descriptions to permit proper product comparisons. In addition, many entries in the computer sales listings were unclear as to their meaning and the units in which they were denominated. Also, C.M. did not submit a proper non-proprietary summary on a timely basis. Gei Bey and Chup Hsin did not respond.

Standing Issue

One U.S. producer, Tube Turns, Inc., opposes this investigation and maintains that the petition was not filed "on behalf of" a U.S. industry, as is required by section 732(b)(1) of the Act.

As we have previously stated, see *e. g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada*, 51 FR 10041, 10043 (March 24, 1986), neither the Act nor the Commerce Regulations requires a petitioner to establish affirmatively that it has the support of a majority of a particular industry. The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. No such showing has been made in this case. Tube Turns, the only member of the domestic industry to oppose the investigation, does not represent a major proportion of that industry.

Scope of Investigation

The products covered by this investigation are certain carbon steel butt-weld type pipe fittings, other than couplings, under 14 inches in inside diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, etc., and have been advanced after forging. These advancements may include any one or more of the following: Coining, heat treatment, shot blasting, grinding, die stamping or painting. These fittings are currently provided for under item 610.8800 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

The period of investigation is September 1, 1985, through February 28, 1986.

Fair Value Comparison

To determine whether sales of the subject merchandise by Rigid in the United States were made at less than fair value, we compared the United States price with the foreign market value as specified below. Since C.M.'s response was not sufficient and Gei Bey and Chup Hsin did not respond, we based United States price and foreign market value of the best information available in accordance with section 776(b) of the Act.

United States Price

As provided for in section 772(b) of the Act, for sales by Rigid, we based United States price on purchase price because the butt-weld pipe fittings were sold to unrelated purchasers in the United States prior to importation. We made deductions from C.I.F. prices for ocean freight, marine insurance, brokerage, and foreign inland freight. Duty drawback was added in accordance with § 353.10(d)(ii) of our regulations.

Since C.M.'s response was incomplete and Gei Bey and Chup Hsin did not respond, we calculated purchase price for these three companies on the basis of offers by a Taiwan manufacturer, as provided in the petition, as the best information available. This price represents offers for sale to the United States to unrelated purchasers, reduced by estimated costs of importation, as provided in section 772(d)(2) of the Act.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we based foreign market value for Rigid on sales in the home market. We made deductions from delivered prices for inland freight and insurance. We made an adjustment for differences in credit terms between the respective markets, in accordance with § 353.15 of our regulations. For comparisons involving commissions on the U.S. sales, we made an allowance for selling expenses in the home market (19 CFR 353.15(c)). We also deducted home market packing costs and added U.S. packing costs.

For C.M., Gei Bey and Chup Hsin, we used information provided by the petitioner as the best information available to determine foreign market value. Petitioner based foreign market value on constructed value. The cost of materials and fabrication was calculated by petitioner based on U.S. manufacturing inputs and by applying Taiwanese values, where appropriate. To the sum of materials and fabrication cost, petitioner added the statutory minimums of ten and eight percent for

general expenses and profit, respectively. Petitioner then added U.S. costs for packing.

Verification

As provided in section 776(b) of the Act, if we receive timely and complete responses, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of butt-weld pipe fittings from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.**

The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Rigid	4.38
C.M	87.30
Gei Bey	87.30
Chup Hsin	87.30
All Others	61.11

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we made our preliminary affirmative determination or 45 days after we make our final affirmative determination.

Public Comment

In accordance with § 353.47 of our Regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:30 a.m. on September 5, 1986, at the United States Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 29, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

This notice is published in accordance with section 733(f) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 4, 1986.

[FR Doc. 86-17990 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-607]

Paint Filters and Strainers from Brazil; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether paint filters and strainers from Brazil are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before August 29, 1986, and we will make ours on or before December 22, 1986.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Judith L. Nehring or Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-1776 or 377-5288.

SUPPLEMENTARY INFORMATION:

The Petition

On July 15, 1966, we received a petition in proper form filed by the Louis M. Gerson Co., Inc. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on paint filters and strainers from Brazil and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether paint filters and strainers from Brazil are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by December 22, 1986.

Scope of Investigation

The products covered by this investigation are paint filters and strainers of paper, containing cotton gauze, provided for in item 256.080 of the *Tariff Schedules of the United States, Annotated (TSUSA),* and paint filters and strainers of cotton gauze, containing paper, provided for in item 386.5300.

United States Price and Foreign Market Value

In its calculation of sales at less than fair value, the petitioner based United States price on actual sales or offers made by a United States purchaser of Brazilian paint filters and strainers, with

deductions for foreign inland freight, warehousing and loading charges; ocean freight and marine insurance; island freight, brokerage and unloading charges in the U.S.; and United States importer's markup. The petitioner based foreign market value on the c.i.f. price at which this merchandise is sold to a European purchaser with deductions for Brazilian inland freight, warehousing and loading charges; ocean freight and marine insurance; and European inland freight.

The petitioner alleged sales at less than cost of production relative to third county sales only, as it avers there are insufficient sales in the home market for comparisons. The petition does contain some information that sales to at least one third country may be at less than cost of production. If, during the course of the investigation, we determine that there is not a viable home market, we will commence a cost of production investigation relative to third country sales. Based on the comparison of values caluclated by the foregoing methods, the petitioner arrived at a weighted-average dumping margin of 22.96 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will also allow the ITC access to all privileged and business proprietary information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by August 29, 1986, whether there is a reasonable indication that imports of paint filters and strainers from Brazil are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 4, 1986.

[FR Doc. 86-17991 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-010]

Certain Stainless Steel and Strip Products From France; Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On May 30, 1986, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain stainless steel sheet and strip products from France and announced its tentative determination to revoke the order. The review covers the period from March 1, 1986

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to certain stainless steel sheet and strip products exported on or after March 1, 1986.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 19581) the preliminary results of its changed circumstances administrative review of the antidumping duty order on certain stainless steel sheet and strip products from France (48 FR 28520, June 22, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of stainless steel sheet and strip products, either hot- or cold-rolled, excluding hot- or cold-rolled stainless sheet and strip not over 0.01 inch in thickness, currently classifiable under items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the Tariff Schedules of the United States Annotated. The review covers the period from March 1, 1986.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. As a result of this review, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on certain stainless steel sheet and strip products from France and that the order should be revoked on this basis.

Therefore, we are revoking the order on certain stainless steel sheet and strip products from France effective March 1, 1986. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after March 1, 1986, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of certain stainless steel sheet and strip products from France which were exported prior to March 1, 1986. The Department will cover any such entries in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: July 27, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-17992 Filed 8-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-013]

Certain Stainless Steel Sheet and Strip Products From the Federal Republic of Germany; Final Results of Changed Circumstances Administrative Review and Revocation of Antidumpting Duty Order

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On May 30, 1986, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain stainless steel sheet and strip products from the Federal Republic of Germany and announced its tentative determination to revoke the order. The review covers the period from March 1, 1986.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to certain stainless steel sheet and strip products exported on or after March 1, 1986.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC. 20230; telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 19582) the preliminary results of its changed circumstances administrative review of the antidumping duty order on certain stainless steel sheet and strip products from the Federal Republic of Germany (48 FR 28680, June 23, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of stainless steel sheet and strip products, either hot- or cold-rolled, excluding hot- or cold-rolled stainless sheet and strip not over 0.01 inch in thickness, currently classifiable under items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the Tariff Schedules of the United States Annotated. The review covers the period from March 1, 1986.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. As a result of this review, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on certain stainless steel sheet and strip products from the Federal Republic of Germany and that the order should be revoked on this basis.

Therefore, we are revoking the order on certain stainless steel sheet and strip products from the Federal Republic of Germany effective March 1, 1986. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after March 1, 1986, without regard to antidumpting duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of certain stainless steel sheet and strip products from the Federal Republic of Germany which were exported prior to March 1, 1986. The Department will cover any such entries in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: August 4, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, for Import Administration.

[FR Doc. 86–17993 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-DS-M

[C–351–608]

Initiation of Countervailing Duty Investigation: Paint Filters, and Strainers From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of paint filters and strainers, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before August 29, and we will make our preliminary determination on or before October 8, 1986.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas Bombelles or Bradford Ward, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202/377–3174 or 202/377–2239.

SUPPLEMENTARY INFORMATION:

The Petition

On July 15, 1986, we received a petition in proper form filed by the Louis M. Gerson Co., Inc., a domestic producer of paint filters and strainers. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Brazil of paint filters and strainers receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). In addition, the petition alleges that such imports materially injure, or threaten material injury to, a U.S. industry producing a like product. Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry.

Initiative of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the imposition of countervailing duties,m and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on paint filters and strainers from Brazil and have found that it meets the requirements. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of paint filters and strainers as described in the "Scope of Investigation" section of this notice receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination on or before October 3, 1986.

Scope of Investigation

The products covered by this investigation are paint filters and strainers of paper, containing cotton quaze, provided for in item 256.9080 of the *Tariff Schedules of the United States Annotated (TSUSA)*, and paint filters and strainers of cotton gauze, containing paper, provided for in item 386.5300 of the TSUSA.

Allegations of Subsidies

The petition lists a number of practices by the government of Brazil which allegedly confer subsidies to manufacturers, producers, or exporters in Brazil of paint filters and strainers. We are initiating an investigation on the following programs:

- Working Capital Financing for Exporters
- Preferential Export Financing for Trading Companies
- Export Financing Under the CIC-CREGE 14–11 Circular
- Financing for Storage of Exports
- PROEX Export Financing
- Resolution 68 (FINEX) Financing
- Resolution 509 (FINEX) Financing
- BEFIEX
- Income Tax Exemptions for Export Earnings
- CIEX
- Accelerated Depreciation for Brazilian-Made Capital Equipment
- FINEP/ADTEN Long-Term Loans

We are not initiating an investigation on the following programs:

- Banco Nacional de Desenvolviemento Economico e Social (BNDES) Loans

The Department has previously investigated BNDES long-term loans and has found that these loans are not limited to a specific enterprise or industry or group of enterprises or industries. *See Final Affirmative Countervailing Duty Determination: Certain Carbon Steel Products from Brazil*, 49 FR 17988. Because petitioner has not submitted any new evidence or alleged changed circumstances with respect to BNDES long-term loans, we are not initiating an investigation of this program.

- IPI Export Credit Premium

The Department has previously investigated this program and has determined that the program has been terminated by the Government of Brazil. However, we will investigate the possible continued receipt of benefits under this program pursuant to long-term BEFIEX contracts as noted above. *See Final Affirmative Countervailing Duty Determination: Certain Heavy Iron Construction Castings from Brazil*, 51 FR 9491.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information in our files. We will also allow the ITC access to all privileged and proprietary information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by August 29, 1986, whether there is a reasonable indication that imports of paint filters and strainers from Brazil materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will continue according to statutory procedures. This notice is published pursuant to section 702(c)(2) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 4, 1986.

[FR Doc. 86–17994 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Review on Certain Coated Carbon Steel Sheet and Strip: Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.–EC Arrangement on Certain Steel Products with respect to certain teflon coated carbon steel sheet and strip.

DATES: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3099, (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S. ". . . determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product. . . ."

We have received a short supply request for cold rolled teflon coated carbon steel sheet and strip, in thicknesses ranging from 0.18 to 0.28 mm and widths ranging from 105 to 508 mm, having a one-sided chromed teflon coating of 23 to 26 microns, to be used in the production of automotive engine gaskets. Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify the business proprietary portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–17996 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-05-M

The MCTL Implementation Technical Advisory Committee and the Special Licensing Working Group of the President's Export Council Subcommittee on Export Administration; Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee and the Special Licensing Working Group of the President's Export Council Subcommittee on Export Administration will be held Thursday, September 4, 1986, 9:30 a.m., Herbert C. Hoover Building, Room 6029, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises and assists the Office of Export Administration in the implementation of the Militarily Critical Technologies List

(MCTL) into the Export Administration Regulations and provides for continuing review to update the Regulations as needed.

The Committees will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes, contact Ruth D. Fitts, 202–377–2583.

Dated: August 6, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86–17995 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Gulf Exhibition Corporation (P90D)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Gulf Exhibition Corporation.

b. Address: Gulfarium on Highway 98, Fort Walton Beach, Florida 32548.

2. Type of Permit: Public Display.

3. Name and Number of Marine Mammals: Atlantic bottlenose dolphins (*Tursiops truncatus*); 2.

4. Type of Take: Permanent removal from the wild for captive maintenance.

5. Location of Activity: Destin, Fort Walton Beach, Florida.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following office(s):

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC; and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: August 1, 1986.

Henry R. Beasley,

Director, Office of International Fisheries, National Marine Fisheries Service.

[FR Doc. 86–18002 Filed 8–8–86; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command's Military Personal Property Claims Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Claims Symposium. This meeting will be held on 28 August 1986 at the Spring Hill Motor Lodge, 5666 Columbia Pike, Falls Church, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DoD 4500.34–R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT–PPM, at telephone number 756–1600, between 0800–1530 hours. Topics to be discussed should be received on or before 18 August 1986.

Robert F. Waldman,

Deputy Director, Directorate of Personal Property.

[FR Doc. 86–17973 Filed 8–8–86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

Air Force Activities for Conversion to Contract; Indian Springs, NV

ACTION: Notice.

The Air Force recently determined that the Indian Springs Air Force Auxiliary Field Base Operating Support function at Indian Springs, NV will be examined for conversion to contract.

For further information contact Mr. Ross Clark, HQ TAC/XPMP, Langley AFB, VA, telephone (804) 764–5174.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–17964 Filed 8–8–86; 8:45 am]

BILLING CODE 3910-01-M

Air Force Activities for Conversion to Contract; Shemya AFB, AK

ACTION: Notice.

The Air Force recently determined that the Defense Satellite Communications System Satellite Earth Terminal function at Shemya AFB, AK will be examined for conversion to contract.

For further information contact Ms. Jean Webster, HQ AFCC/XPMQA, Scott AFB, IL, telephone (618) 256–5255.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–17963 Filed 8–8–86; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitation Services

Projects With Industry; Fiscal Year 1987 Funding Priorities

AGENCY: Department of Education.

ACTION: Notice of Proposed Annual Funding Priorities for Fiscal Year 1987.

SUMMARY: The Secretary proposes annual funding priorities for the Projects With Industry program. The Secretary proposes three priorities to direct funds to the areas of greatest need during fiscal year 1987. The proposed priorities would support applications which propose to: (1) Provide training and supportive services for handicapped individuals at actual job sites with subsequent employment in the competitive labor market, (2) provide training and employment through formal agreements with businesses and industries, coalitions, and consortia among businesses, industries and labor unions; (3) provide training and employment to handicapped individuals as they prepare to leave educational settings. These priorities will ensure wide and effective use of program funds.

DATES: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before the 30th day after publication of this Notice in the **Federal Register.**

ADDRESS: All written comments and suggestions should be addressed to: Ms. Patricia A. Morrissey, Deputy Commissioner, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Room 3030, Switzer Building, 400 Maryland Avenue, SW., MS–2304, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Arthur W. Cox, Telephone: (202) 732–1333.

SUPPLEMENTARY INFORMATION: The Projects With Industry (PWI) program was established under Pub. L. 90–391 in 1968 and is currently authorized by section 621 of Title VI of the Rehabilitation Act of 1973, as amended, by Pub. L. 95–602 and Pub. L. 98–221. Program regulations are established at 34 CFR Parts 369 and 379. Amendments to these regulations were published in the **Federal Register** on September 23, 1985 (50 FR 38628). The purpose of the program is to promote and develop working partnerships between the rehabilitation community and business, industry, labor organizations or trade associations. Through the development of such partnerships, handicapped individuals are to be provided with training, employment, and supportive services within business, industry or other realistic work settings to prepare them for competitive employment. In addition, projects will provide supportive services as required to maintain the handicapped individual's employment. Projects may also provide other services including: (a) The development and modification of jobs to accommodate the expected needs of such individuals, (b) the distribution of special aids, appliances, or adapted equipment, and (c) the modification of facilities or equipment of the employer that are to be used by handicapped individuals.

Section 621(a)(2) of the Act specifies that agreements under the PWI program shall be jointly developed by the Commissioner of the Rehabilitation Services Administration, the prospective employer, and to the extent practical, the appropriate designated State unit and the handicapped individual involved. Such agreements are to specify the terms of training and employment under the project and other provisions required by law or agreed upon by the participating parties. Awards will be made in the priority areas described below.

Eligible Applicants

Individual employers, designated State units, other entities such as non-profit organizations, trade associations, labor unions, and profit making organizations are aligible applicants under this program.

Funds Available

Although final action on the fiscal year 1987 appropriation has not as yet been taken, the Department has requested $13,000,000 for this program in fiscal year 1987. All of the $13,000,000 will be available for new PWI in fiscal year 1987, to be divided as follows: Priority 1: $4,000,000; Priority 2: $3,000,000; Priority 3: $3,000,000 and $3,000,000 for other PWI applications which do not fall under any of the three priorities. Funding for projects in each of these priorities may range from $100,000 to $400,000 per project.

Proposed Priorities

In accordance with Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c), the Secretary proposes to give absolute preference to applications submitted in fiscal year 1987, in response to one of the following priorities.

Priority 1

Priority wil be given to applications proposing to provide training and necessary supportive services at actual job sites to help prepare handicapped individuals to engage in competitive employment. Employment following training will be in the competitive labor market, either at the actual training site or another employment site.

Priority 2

Priority will be given to applications proposing to provide training, supportive services, job development and placement with a number of different businesses and industries. This could include coalitions of independent industries with formal agreements to provide training and job placement, labor unions having agreements with a number of different industries, or single industries with multiple work sites, for example. Under this priority the provision of training and other services would lead to job placements at a variety of work sites.

Priority 3

Priority will be given to applications proposing to provide training and supportive services to prepare handicapped individuals for competitive employment as they begin to leave the educational system, including postsecondary educational programs.

A fourth category will be established for those Projects With Industry applications received having a program emphasis on targeted goals and objectives that do not fall within one of the three established priorities.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed annual priorities. Written comnents and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document will be considered before the Secretary issues final priorities. All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in room 3030, Switzer Building, 330 C Street, SW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(29 U.S.C. 795g)

(Catalog of Federal Domestic Assistance No. 84.128, Rehabilitation Services—Special Projects)

Dated: August 6, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–18006 Filed 8–8–86; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: September 16–17, 1986, 9:00 A.M. until conclusion of business each day.

ADDRESS: Tribal Conference Room, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, FL 33024 (305/583–7112).

FOR FURTHER INFORMATION CONTACT: Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 2000 L Street NW., Suite 574, Washington, DC 20036 (202/634–6160).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to assist the Secretary in carrying out responsibilities under section 441(a) of the Indian Education Act (Title IV of Pub. L. 92–318), through advising Congress, the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includes:

(1) Chairman's Report;
(2) Executive Director's Report;
(3) Action on previous minutes;
(4) Committee discussions and reports;
(5) NACIE Budget—FY '86 & '87;
(6) Plans for future NACIE activities;
(7) Regular Council business;
(8) Public Testimony;
(9) On-site visits.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 2000 L Street NW., Suite 574, Washington, DC 20036.

Dated: August 6, 1986.

Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 86–17997 Filed 8–8–86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI86–580–000 et al.]

Coquina Oil Corporation et al.; Applications for Abandonment and Blanket Limited-Term Certificate

August 6, 1986.

Take notice that each of the applicants listed herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service or for a blanket limited-term certificate to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 adn 436–A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protests with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per manufacturer 1,000 ft [3]	Pressure base
CI86–580–000, B, July 14, 1986 [1]	Coquina Oil Corporation, P.O. Drawer 2960, Midland, Texas 79702.	Transcontinental Gas Pipe Line Corporation, Ezra Alderman No. 1 Well, West Stuart Field, La Salle County, Texas.	([2])	
CI86–615–000, A, July 29, 1986	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221–2880.	([3])		
CI86–621–000, B, July 29, 1986	....do	Texas Gas Transmission Corporation, Carthage Field, Panola County, Texas.	([4])	

[1] Additional information received July 30, 1986.

[2] Coquina, a small producer certificate holder in Docket No. CS66–101, requests authorization to abandon its sale of gas to Transcontinental from the Ezra Alderman No. 1 well which produces NGPA section 104 post-1974 gas. Coquina states that the well has remaining recoverable reserves of 66,000 Mcf. Coquina states that the primary term of the gas purchase contract dated February 10, 1959, expired September 1, 1980; either party may terminate the contract on any annual anniversary thereafter by giving written notice; and that neither party has given notice to terminate. Coquina states that Transcontinental curtailed production 60% for the period from January 1, 1986 through May 31, 1986, and that near 100% curtailment is expected. Coquina states it is subject to substantially reduced takes without payment. Coquina proposes to sell the gas to Transco Energy Marketing Company.

[3] Applicant requests, in Docket No. CI86–615–000, a blanket, limited-term certificate for a period of two-years to make sales for resale in interstate commerce of gas which is released and is subject to the limited-term abandonment in Docket No. CI86–621–000.

[4] Applicant requests a limited-term abandonment for a period of two-years of certain sales to Texas Gas Transmission Corporation (Texas Gas). Applicant states that Texas Gas has projected that it will take less than 10% of Applicants deliverability through the next two years, and as such Applicant states it is subject to substantially reduced takes without payment. Applicant states that Texas Gas has agreed to release all NGA gas not needed by Texas Gas for a two-year period in order to allow Applicant to market such gas elsewhere. Applicant states that those sales are made under its Gas Rate Schedule Nos. 26, 105, 310, and 434; and, that sales are authorized in Docket Nos. G–6648, G–18243, G–2991, and CI66–172, respectively. Applicant states that Texas Gas will receive take-or-pay relief for gas released and sold elsewhere and that Texas Gas will retain the right to recall the gas to meet its market demands. Applicant states that the gas qualifies under NGPA sections 104 (replacement/recompletion) and 108, and that the estimated deliverability is approximately 7,901 MMcf/d.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total succession.

[Docket No. TA86-6-5-002]

Midwestern Gas Transmission Co.; Compliance Filing

August 6, 1986.

Take notice that on July 29, 1986, Midwestern Gas Transmission Company (Midwestern) filed Second Substitute Nineteenth Revised Sheet No. 5 and Third Revised Sheet No. 163 to Original Volume No. 1 of its FERC Gas Tariff, to be effective July 1, 1986.

Midwestern states that the purpose of this filing is to (1) track a revision to the Gas Rate charged by Tennessee Gas Pipeline Company, a Division of Tenneco Inc., as required by the Commission's June 30, 1986 Order in this proceeding, and (2) revise its Southern System PGA clause consistent with Ordering Paragraph (D) of the June 30 Order.

Midwestern states that copies of the filing have been mailed to all of its juisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211). All such motions or protests should be filed on or before August 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18019 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI78-359-001, et al.[1]]

Sun Exploration and Production Co.; Applications for Abandonment and Blanket Limited-Term Certificate

August 6, 1986.

Take notice that Sun Exploration and Production Company has filed pursuant applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service, or for a blanket limited-term certificate to sell natural gas in interstate commerce, as described herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 25, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI78-359-001, B, 7-16-86	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Trunkline Gas Company, East High Island Block A-369 and A-370, Offshore Texas.	(1)	
CI78-1009-001, B, 7-16-86	do	Trunkline Gas Company, East High Island Block A-327, and A-332, Offshore Texas.	(1)	
CI79-410-001, B, 7-16-86	do	Trunkline Gas Company, High Island Block A-511, Offshore Texas.	(1)	
CI86-598-000, A, 7-22-86	do	Trunkline Gas Company, Various Blocks, Offshore Texas and Louisiana.	(2)	

[1] Sun intends to exercise its reservation for 20% of its interest in gas produced from dedicated acreage in accordance with section (5) of Article IV of the contract as amended.
[2] Sun requests a three-year blanket, limited-term certificate to make sales for resale in interstate commerce of gas which is released and for which permanent abandonment has been requested in Docket Nos. CI73-878-001, CI73-879-001, CI73-880-001, CI78-359-001, CI78-1009-001 and CI79-410-001. Abandonment applications in Docket Nos. CI73-878-001, CI73-879-001 and CI73-880-001 were noticed November 13, 1983 and published in the **Federal Register** on November 20, 1985 (50 FR 47825).
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-18015 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES86-47-000 et al.]

Electric Rate and Corporate Regulation Filings; Canal Electric Co. et al.

Take notice that the following filings have been made with the Commission:

1. Canal Electric Company

[Docket No. ES86-47-000]

August 4, 1986.

Take notice that on July 25, 1986, Canal Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $110 million of short-term debt on or before December 31, 1988 with a final maturity no later than December 31, 1989.

Comment date: August 25, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Pacific Gas and Electric Company

[Docket No. ER85-738-005]

August 5, 1986.

Take notice that on July 28, 1986, Pacific Gas and Electric Company (PG&E) tendered for filing a compliance report in reference to the settlement agreement between PG&E and the city of Oakland in Docket No. ER85-738, designated as PG&E rate schedule No. 95 and made effective as of Nobember 3,

1985. The Commission ordered PG&E to refund with interest any amounts collected in excess of the settlement rate levels.

The report shows monthly billing determinants, dates of payment, revenues under the prior rates and under the settlement rates, the monthly amount of the refund and the monthly interest for the entire refund period.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. The Connecticut Light and Power Company

[Docket No. ER86-611-000]

August 5, 1986.

Take notice that on July 25, 1986, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a sales agreement (Sales Agreement) with Respect Montville and Middletown Units between CL&P and Fitchburg Gas and Electric Light Company (FG&E) dated as of July 1, 1986.

CL&P states that the rate schedule provides for a sale to FG&E of capacity and energy from CL&P's Montville Units Nos. 5 and 6 and Middletown Units Nos. 2, 3, and 4 (the Units) during the period November 1, 1986 to October 31, 1992, together with related transmission service.

CL&P requests that the Commission permit the rate schedule filed to become effective on November 1, 1986.

CL&P states that the capacity charge rate for the first twenty-four months for the proposed service is a negotiated rate, based on the market price for this capacity, and less than the cost-of-service rate. The capacity charge for the remainder of the term is determined on a cost-of-service basis at the time that the Sales Agreement was executed. The monthly transmission charge rate is equal to one-twelfth of the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies at the time that the Sales Agreement was executed and is determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly Transmission Charge is determined by the product of (i) the appropriate monthly transmission charge rate ($/kW-month) and (ii) the number of kilowatts of winter capability which FG&E is entitled to receive during such month. This charge is reduced to give due recognition of the payments made by FG&E to intervening systems providing transmission service over Pool Transmission Facilities for the delivery of the purchase provided under the Sales Agreement. The Energy Charge and the Station Service Energy Charge are based on FG&E's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive these charges.

CL&P states that the services to be provided under the Sales Agreement are similar to the services provided by CL&P pursuant to purchase agreements with Vermont Electric Generation and Transmission Cooperative, Inc. (FERC Rate Schedule Nos. CL&P 349), with Newport Electric Corporation (FERC Rate Schedule No. CL&P 350), and with UNITIL Power Corp. (filed with FERC by letter dated July 18, 1986).

CL&P states that a copy of this filing has been mailed to FB&E, Fitchburg, MA.

CL&P further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. The Connecticut Light and Power Company

[Docket No. ER86-616-000]

August 5, 1986.

Take notice that on July 28, 1986, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a sales agreement (Agreement) with respect to Montville Unit No. 6, New Haven Harbor and Newington between the Connecticut Light and Power Company and the New England Power Company (NEPCO) dated as of November 1, 1985.

CL&P states that the rate schedule provides for a sale to NEPCO of capacity and associated energy from CL&P's Motiville Unit No. 6, and from two units in which CL&P has entitlements, New Haven Harbor and Newington ("Unit", collectively the "Units"), together with related transmission service. The Agreement commenced on November 1, 1985 and it terminates on thirty days written notice.

CL&P requests that the Commission waive its standard notice period and permit the rate schedule to become effective as of November 1, 1985.

CL&P states that the Capacity Charge for the Units is a negotiated rate, based on the market price for this capacity, and less than the cost-of-service rate. The Energy Charge is based on NEPCO's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

CL&P states that a copy of this filing has been mailed to NEPCO, Westborough, MA.

CL&P further states that the filing is in accordance with Part 35 of Commission's Regulations.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER85-400-009]

August 5, 1986.

Take notice that on July 18, 1986, Virginia electric and Power Company (VEPCO) tendered for filing a compliance report after being ordered by the Commission to issue refund to wholesale municipalities and electric cooperatives.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Upper Peninsula Generating Company

[Docket No. FS86-48-000]

August 4, 1986.

Take notice that on July 28, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Requlatory Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $60,000,000. The Applicant has proposed to issue secured and unsecured promissory notes of a principal amount of up to $60,000,000 outstanding at any one time, of which up to $5,000,000 may be issued to Cliffs Electric Service Company with the remainder issuable to commercial banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of orignial issuance, extension of renewal. The notes will be issued on or before August 1, 1988 and will have a final maturity date not later than August 1, 1989.

Comment date: August 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18008 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-143-000]

Columbia Gas Transmission Corp. Proposed Changes In FERC Gas Tariff

August 6, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 28, 1986, tendered for filing the proposed changes to its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 66 Original Sheet No. 66A

Columbia states that the foregoing tariff sheets are being filed to recover take-or-pay costs which its pipeline suppliers are proposing to directly bill to Columbia in various proceedings. While Columbia strongly opposes these direct billing schemes, it is constrained to make this filing in order to have some means of recovery of these costs from its customers, without subjecting itself to being placed at a competitive disadvantage vis-a-vis these pipeline suppliers.

Columbia urges the Commission to address the proper methods of pipeline recovery of prudently incurred take-or-pay costs and other contract reformation costs on a generic basis in the context of Columbia's Petition for Rulemaking in Docket No. RM86-10. In the alternative, Columbia requests that the instant filing be consolidated with the proceeding in *Tennessee Gas Pipeline Co.*, Docket No. RP86-119-000, which is currently set for expedited hearing.

Columbia states that it will promptly withdraw the instant filing in the event the Commission rejects proposals made by other pipelines to directly bill and target their take-or-pay costs.

Copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18023 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-4-2-002]

East Tennessee Natural Gas Co.; Compliance Filing

August 6, 1986.

Take notice that on July 29, 1986, East Tennessee Natural Gas Company (East Tennessee) filed Substitute Nineteenth Revised Sheet No. 4 and Sixth Revised Sheet No. 122 to Original Volume No. 1 of its FERC Gas Tariff, to be effective July 1, 1986.

East Tennessee states that the propose of this filing is to (1) track a revision to the Gas Rate charged by Tennessee Gas Pipeline Company, a Division of Tenneco Inc., as required by the Commission's June 27, 1986 Letter Order in this proceeding, and (2) revise its PGA clause consistent with the June 27 Letter Order.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected states regulatory commissions.

Any person desiring to be heard or to protect said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before August 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18018 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[EC86-25-000]

Pacific Power & Light Co., Application

August 6, 1986.

Take notice that on July 28, 1986, PacifiCorp dba Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission, pursuant to section 203 of the Federal Power Act, seeking an order (1) authorizing it to purchase, acquire, and take securities of other public utilities, (2) modifying the reporting requirement of 18 CFR 33.8 to require only an annual report, and (3) waiving the Exhibit D filing requirements in part. Purchases of utility securities will be part of a passive investment program and are not designed to obtain or exercise control over any utility.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 18, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18021 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES86-50-000, et al.]

Electric rate and corporate regulations filings; Central Maine Power Co., et al.

August 6, 1986.

Take notice that the following filings have been made with the Commission:

1. Central Maine Power Company

[Docket No. ES86-50-000]

Take notice that on July 29, 1986, Central Maine Power Company (Applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking authority to issue on or before December 31, 1987, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate principal amount not

exceeding $120,000,000 outstanding at any time.

Comment date: August 28, 1986, in accordance with Standard Paragraph E at the end of this document.

2. Central Power & Light Company

[Docket No. ER86-613-000]

Take notice that on July 28, 1986, Central Power and Light Company ("Company") tendered for filing a change in rate for 1986, under the Transmission Services Agreement ("Agreement") between Company and Houston Lighting and Power ("HL&P"). Accompanying the filing is an April 10, 1986 amendment to the transmission agreement, the Rate Schedule change (designated TS No. 69 revised, supplement No. 3) and a cost of service study. The Company has requested that the rate schedule change be made effective as of January 1, 1986.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Citizens Energy Corporation

[Docket No. ER86-444-000]

Take notice that on July 25, 1986, Citizens Energy Corporation ("Citizens") tendered for filing an amendment to its April 28, 1986 filing of agreements for the purchase and resale of interruptible economy energy.

The amendment to Citizens' initial filing provides additional cost data requested by Commission staff concerning Citizens' purchases from the Utah Municipal Power Agency ("UMPA") and resales to the Department of Water and Power of the City of Los Angeles ("Los Angeles") of interruptible economy energy. The amendment includes an agreement extending the term of Citizens' agreement with UMPA. The amendment also provides additional information concerning Citizens' Special Financial Assistance fund which will provide emergency financial assistance to low-income retail customers of UMPA and Los Angeles.

Copies of the filing were served upon Los Angeles and UMPA.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Green Mountain Power Corporation

[Docket No. ER86-624-000]

The filing Company submits the following:

Take notice that on July 31, 1986, Green Mountain Power Corporation ("GMP") tendered for filing as a rate schedule to be effective November 1, 1986, an executed agreement dated as of June 20, 1986, between GMP and Fitchburg Gas & Electric Light Company ("FG&E"). The proposed rate schedule provides for the sale of capacity and energy by GMP to FG&E.

Copies of the filing were served on FG&E, the Vermont Public Service Board and the Vermont Department of Public Service.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Green Mountain Power Corporation

[Docket No. ER86-625-000]

Take notice that on July 31, 1986, Green Mountain Power Corporation ("GMP") tendered for filing as a rate schedule to be effective October 1, 1986, an executed agreement dated as of June 20, 1986, between GMP and UNITIL Power Corp. ("UNITIL Power"). The proposed rate schedule provides for the sale of capacity and energy by GMP to UNITIL Power.

Copies of the filing were served on UNITIL Power, the Vermont Public Service Board and the Vermont Department of Public Service.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Maine Electric Power Company

[Docket No. ES86-51-000]

Take notice that on July 29, 1986, Maine Electric Power Company, (Applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking authority to issue on or before December 31, 1987, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate principal amount not exceeding $9,500,000 outstanding at any time.

Comment date: August 28, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Maine Yankee Atomic Power Company

[Docket No. ES86-49-000]

Take notice that on July 29, 1986, Maine Yankee Atomic Power Company, (Applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking authority to issue on or before December 31, 1987, Bank Notes and Commercial Paper maturing one year or less after the date of issuance in an aggregate principal amount not exceeding $21,000,000 outstanding at any time.

Comment date: August 28, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18022 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-608-000, et al.]

Electric Rate and Corporate Regulation Filings; Iowa Power and Light Co. et al.

August 1, 1986.

Take notice that the following filings have been made with the Commission:

1. Iowa Power and Light Company

[Docket No. ER86-608-000]

Take notice that on July 25, 1986, Iowa Power and Light Company ("Iowa Power") tendered for filing an amendment to its June 5, 1986 filing in this docket concerning a rate schedule ("Schedule"), between Iowa Power and Union Electric Company ("Union Electric"), dated June 25, 1986.

The amendment consists of a description of how the energy charge was determined.

Iowa Power requests that the Commission waive its prior notice requirements and accept the Schedule for filing with an effective date of June 29, 1986.

Copies of this filing were served upon Union Electric and the Iowa State Commerce Commission.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Otter Tail Power Company

[Docket No. ER86-618-000]

Take notice that on July 25, 1986, Otter Tail Power Company (OTP) tendered for filing a new Electric Service Tariff, Partial Requirements Controlled Load

Electric Service. The proposed rate would decrease revenues by approximately $7,900.00 based on the 12-month period ending April 21, 1986. The decrease is the result of billing a decreased demand due to the demand credit allowed for in the Partial Requirements Controlled Load Electric Service as Compared to the billing on Partial Requirements Electric Service.

The proposed experimental rate is being initiated at the request of municipality interested in having OTP operate their proposed load control system.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of New Mexico

[Docket No. ER86-617-000]

Take notice that on July 28, 1986, Public Service Company of New Mexico (PNM) submitted for filing Amendment No. 1 dated January 22, 1986, amending the PNM and M-S-R Public Power Agency (M-S-R) Service Schedule A to the Interconnection Agreement, dated September 26, 1983. The Amendment permits the seller to offer economy energy at rates which permit the actual cost to generate such energy. PNM also submitted for filing information concerning PNM's fully allocated costs to provide economy energy service under this Amendment.

Copies of the filing have been served upon M-S-R and the New Mexico Public Service Commission.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this document.

4. Commonwealth Edison Company

[Docket No. ER86-615-000]

Take notice that on July 28, 1986, Commonwealth Edison Company (CEC) tendered for filing proposed new rates and contracts applicable to certain full requirements wholesale municipal customers, namely, the Cities of Batavia, Naperville and St. Charles, Illinois.

The Company states that the filing is required to provide load certainty and stability in the current competitive market. The contracts provide for a term of ten and one-half years. Based upon usage during the twelve months ending May 30, 1986 and compared with rates currently in effect, a revenue decrease to the Company of approximately $8,911,832 will result.

Copies of the filing were served upon the municipalities affected by the filing and the Illinois Commerce Commission.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Consolidated Edison Company of New York, Inc.

[Docket No. ER86-609-000]

Take notice that on July 24, 1986, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing, as an initial rate schedule, an agreement to sell capacity to Long Island Lighting Company ("LILCO"). The agreement provides for a capacity charge of $76.49 per megawatt per day for 150 megawatts and an energy charge based upon incremental costs of generation.

Con Edison requests waiver of the notice requirements of § 35.3 of the Commission's regulations so that the Rate Schedule can be made effective as of April 27, 1986.

Con Edison states that a copy of this filing has been served by mail upon LILCO.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Gulf Power Company

[Docket No. ER86-614-000]

Take notice that on July 28, 1986, Gulf Power Company (Gulf) tendered for filing Supplements to its FERC Electric tariffs providing for changes in loads for service by Gulf to Choctawhatchee Electric Cooperative, Inc. and West Florida Electric Cooperative Association. These tariff supplements are proposed to be effective for service commencing on June 1, 1986, and Gulf therefore requests waiver of the Commission's notice requirements to allow such effective dates.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Southern California Edison Company

[Docket No. ER86-612-000]

Take notice that on July 28, 1986, Southern California Edison Company ("Edison") tendered for filing a notice of change rates for firm transmission service as embodied in Edison's agreements with the following entities:

	Rate schedule FERC No.
City of Burbank	175
City of Glendale	176
City of Pasadena	177

Edison requests waiver of the Commission's prior notice requirement and an effective date of January 1, 1986, for these rate changes.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Appalachian Power Company

[Docket No. ER85-610-000]

Take notice that on July 25, 1986, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliated Indiana & Michigan Electric Company (I&ME), Modification No. 21, dated April 30, 1986 to the Interconnection Agreement dated November 1, 1961 between Northern Indiana Public Service Company (NIPS) and I&ME, I&ME's Rate Schedule FERC No. 22.

Sections 1 through 4 of this Agreement update the Short Term Power, Emergency Energy, Interchange Power, and Limited Term Power Service Schedules to comply with present FERC Rulemaking and insure uniform rates from I&ME for the same service to unaffiliated system companeis. There schedules are the same as schedules previously filed by I&ME and accepted for filing by the Federal Energy Regulatory Commission (FERC).

AEP requests that this Modification become effective in two parts, allowing the 2.75 mills per kilowatthour transmission rate for Emergency Energy to become effective as of November 3, 1985 and the remainder of this Modification to become effective immediately. These effective dates would update I&ME's rates with NIPS to levels in effect between I&ME and other interconnected electric utility systems for the time periods specified allowing I&ME to charge similar rates for similar services.

Copies of this filing were served upon the Northern Indiana Public Service Company, the Michigan Public Service Commission, and the Public Service Commission of Indiana.

Comment date: August 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

9. Montaup Electric Company

[Docket No. ER85-106-004]

Take notice that on July 24, 1986, Montaup Electric Company (Montaup) tendered for filing a compliance report in support of credits issued to Montaup's M-Rate customers, pursuant to Article 1-2 of the subject Settlement Agreement.

Credits for the first adjustment period from June 6, 1985 through February 28,

1986 were applied to M-Rate customers' billings for the month of March in April, 1986.

Comment date: August 14, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18007 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

Irvine Ranch Water District et al.; Availability of Environmental Assessment and Finding of No Significant Impact

August 6, 1986.

	Project No.
Irvine Ranch Water District	9700-000
Weisenberger Mills	9684-000
Central Maine Power Company	2531-005
Trinity River Authority of Texas	3285-002
Lind and Associates	5192-002
Chocura Forestlands Limited Partnership	9687-000
Conejos Water Conservancy Dist. & Prodek, Inc.	9839-000
State of California, Dept. of Water Resources	2100-029
Sacramento Municipal Utility District	2101-013
Fieldcrest Mills	2655-001
Glen Park Associates & Niagara Mohawk Power Corp.	4796-013
Colorado Hydro Power Corporation	7266-007

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name	State	Water body	Nearest town or county	Applicant
Exemptions					
9700-000	Zone 1 Reservoir	CA	Sand Canyon	Irvine	Irvine Ranch Water District.
9684-000	Weisenberger Mill	KY	South Elkhorn Creek	Midway	Weisenberger Mills.
Licenses					
2531-005	West Buxton	ME	Saco River	West Buxton	Central Maine Power Co.
3285-002	Lake Livingston	TX	Trinity River	Livingston	Trinity River Authority of Texas.
5192-002	Upper Rock Creek	CA	Rock Creek	Placerville	Lind and Associates.
9687-000	Lovell River/White Brook	NH	Lovell River and White Brook	Moultonboro	Chocura Forestlands Limited Partnership.
9839-000	Platoro Dama	CO	Conejas River	Alamosa	Conejos Water Conservancy District and Prodek, Inc.
Amendments					
2100-029	Thermalito Transmission Line	CA	Feather River	Oroville	State of California, Department of Water Resources.
2101-013	Upper American River	CA	Upper American River	Kybury	Sacramento Municipal Utility District.
2655-001	Eagle and Phenix Mills	GA/AL	Chattahoochee River	Columbus	Fieldcrest Mills.
4796-013	Glen Park	NY	Black River	Glen Park	Glen Park Associates and Niagara Mohawk Power Corp.
7266-007	Taylor Park Dam	CO	Taylor River	Gunnison	Colorado Hydro-Power Corp.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 18024 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6913-001 et al.]

Hydroelectric Applications (Weber Basin Water Conservancy District et al.); Application Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: License (over 5 MW).

b. Project No.: 6913-001.

c. Date Filed: May 30, 1985.

d. Applicant: Weber Basin Water Conservancy District.

e. Name of Project: West Gateway.

f. Location: Weber River in Davis County, Utah: Section 25, Township 5N, Range 1W, Salt Lake Base and Meridian.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ivan Flint, Secretary-Manager, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, UT 84041.

i. Comment Date: September 15, 1986.

j. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's Stoddard Diversion, Gateway Canal & Tunnel, and Davis Bifurcation (operated and maintained by the Applicant), and would consist of: (1) An intake structure connecting to the Davis Bifurcation; (2) a steel penstock, 60 inches in diameter

and 1,970 feet long; (3) a powerhouse containing two 5-MW Turgo turbine-generator units having a total rated capacity of 9,510 kW and operating under a net head of 304.5 feet; (4) a tailrace, 30 feet long, returning flow to the Weber River; (5) a 46-kV transmission line, 500 feet long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 23,000,000 kWh. This application was filed during the term of the Applicant's preliminary permit for Project No. 6913.

k. Purpose of Project: Project energy would be utilized by the Applicant.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C.

2a. Type of Application: License (Over 5MW).

b. Project No.: 7435–002.

c. Date Filed: February 10, 1986.

d. Applicant: City of Dothan, Alabama.

e. Name of Project: Claiborne Water Power Project.

f. Location: On the Alabama River in Monroe County, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Larry C. Register, Mayor, City of Dothan, P.O Box 2128, Dothan, AL 36301, (205) 793–0100.

i. Comment Date: September 15, 1986.

j. Description of Project: The project would utilize the existing U.S. Army Corps of Engineers Claiborne Lock and Dam and reservoir, having a maximum operating upper pool elevation of 35 feet msl and would consist of: (1) An approach channel approximately 400 feet long and 170 feet wide excavated upstream of the Claiborne Dam west abutment; (2) a new reinforced concrete powerhouse 130 feet long, 170 feet wide and 65 feet high constructed inshore of the west abutment containing six identical tubular Kaplan turbine/generator units totaling 17,700 kW at 18 feet rated net head; (3) a new tailrace channel approximately 700 feet long and 170 feet wide; (4) an overhead 115-kV transmission line approximately 5 miles long connecting with an existing Alabama Power Company line; and (5) appurtenant facilities. The Applicant estimates the average annual energy production to be 80,500 MWh.

k. Purpose of Project: All project energy would be used by the city of Dothan.

l. This notice also consists of the following standard paragraphs: A3, A9, B, & C.

3a. Type of Application: Major License (over 5MW).

b. Project No.: P–8654–001.

c. Date Filed: November 29, 1985.

d. Applicant: Noah Corporation.

e. Name of Project: Hildebrand Project.

f. Location: On the Monongahela River in Monongalia County, West Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: James B. Price, Noah Corporation, 120 Calumet Court, Aiken, SC 29801, (803) 649–1115.

i. Comment Date: September 19, 1986.

j. Description of Project: The proposed project would use the existing Corps of Engineers' Hildebrand Lock and Dam and would consist of: (1) A concrete intake channel approximately 110 feet long and 45 feet wide that will replace the dam's right fixed weir; (2) a powerhouse and integral intake structure located at the end of the intake channel housing one turbine-generator with a capacity of 9.6 MW and an average annual output of 32.9 GWh; (3) an excavated tailrace approximately 50 feet wide; (4) a switchyard located near the powerhouse; and (5) a 2,420-foot-long transmission line from the switchyard to a 23-kV substation owned by the Monongahela Power Company. The applicant estimates the total project cost to be $12,280,000 in 1986 dollars.

k. Purpose of Project: Project energy would be sold to the Monongahela Power Company.

l. A preliminary permit for this project was issued to the applicant on April 16, 1985. This license application was filed within the term of the permit.

m. The notice also consists of the following standard paragraphs: A3, A9, B, C.

4a. Type of Application: Major License, less than 5 MW.

b. Project No.: 9074–000.

c. Date Filed: March 29, 1985.

d. Applicant: Adirondack Hydro Development Corporation.

e. Name of Project: Warrensburg.

f. Location: Schroon River, Warren County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Malcolm M. Preston, Adirondack Hydro Development Corporation, Potsdam Industrial Plaza, Potsdam, NY 13676, (315) 265–8090.

i. Comment Date: September 18, 1986.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing dam with a 188-foot-long, 24-foot-high concrete gravity spillway surmounted by 3-foot-high flashboards, and a 100-foot-long wingwall; (2) a 35-acre impoundment at elevation 645 feet m.s.l. having a gross storage capacity of 500 acre-feet; (3) an existing 100-foot-long, 32-foot-wide concrete forebay structure integral with the dam's spillway; (4) a proposed 30-foot-square reinforced concrete powerhouse containing two generating units rated at 2,520 kW and 315 kW at an average head of 28.5 feet, having a combined hydraulic capacity of 1,350 cfs, and an average annual output of 10.5 GWh; (5) an excavated tailrace with a normal tailwater elevation of 616 feet; (6) a switchyard; and (7) a 700-foot-long, 34.5-kV transmission line. The applicant estimates the project will cost $9,500,000. Project power would be sold to Niagara Mohawk Power Corporation. The existing facilities are owned by Warrensburg Board and Paper Corporation.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

5a. Type of Application: Preliminary Permit.

b. Project No.: 9656–001.

c. Date Filed: December 3, 1985.

d. Applicant: Marble Creek Hydro, Inc.

e. Name of Project: Marble Creek.

f. Location: In St. Joe National Forest, on Marble Creek in Shoshone County, Idaho. Township 45N, Range 3E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: James R. Morris, P.O. Box 1016, Lewiston, ID 83501, (208) 799–1352.

i. Comment Date: September 5, 1986.

j. Competing Application: Project No. 9664–000, Date Filed 12/3/85; Project No. 9666–000, Date Filed 12/3/85; Due Date: September 5, 1986.

k. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion weir at elevation 1,560 feet; (2) a 4,150-foot-long, 84-inch-diameter steel conduit; (3) a powerhouse containing two generators with a combined capacity of 3.95 MW and an average generation of 17,301 MWh; and (4) a 1.8-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $385,000. No new roads would be constructed or

drilling conducted during the feasibility study.

l. Purpose of Project: Project power would be sold.

m. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

6a. Type of Application: Preliminary Permit.

b. Project No.: 9664–000.

c. Date Filed: December 3, 1985.

d. Applicant: St. Joe River Rafters.

e. Name of Project: Marble Creek.

f. Location: In St. Joe National Forest, on Marble Creek, in Shoshone County, Idaho. Township 45N and Range 3E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Louis Rosenman, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, DC 20036, (202) 457–7500.

i. Comment Date: September 5, 1986.

j. Competing Application: Project No. 9656–000, Date Filed: 12/03/85; Project No. 9666–001, Date Filed: 12/03/85.

k. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion dam at elevation 2,560 feet; (2) a 4,150-foot-long, 60-inch-diameter penstock; (3) a powerhouse containing one generating unit with a capacity of 1,810 kW and an average annual generation of 7.9 GWh; and (4) a 1.8-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks insurance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $145,000. No new roads would be constructed or drilling conducted during the feasibility study.

l. Purpose of Project: Project power would be sold.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

7a. Type of Application: Preliminary Permit.

b. Project No.: 9666–000.

c. Date Filed: December 3, 1985.

d. Applicant: Marble Creek Associates.

e. Name of Project: Marble Creek.

f. Location: In St. Joe National Forest on Marble Creek, Township 45N, Range 3E, in Shoshone County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, 484 East 300 North, Manti, UT 84642, (801) 835–0202.

i. Comment Date: September 5, 1986.

j. Competing Application: Project No. 9656–001, Date Filed: 12/03/85; Project No. 9664–001, Date Filed: 12/03/85; Due Date: September 5, 1986.

k. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion dam at elevation 2,600 feet; (2) a 4,150-foot-long, 60-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 1,810 kW and an average annual generation of 7,927,800 kWh; and (4) a 1.8-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $85,000. No new roads would be constructed or drilling conducted during the feasibility study.

l. Purpose of Project: Project power would be sold.

m. This notice also consists of the following standard paragraphs: A8, B, C, D2.

8a. Type of Application: Minor License.

b. Project No.: 9694–000.

c. Date Filed: December 19, 1985.

d. Applicant: Power Resources Development Corporation.

e. Name of Project: Fine Project.

f. Location: On the Oswegatchie River East Branch, St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Roger P. Swanson, President, Power Resources Development Corporation, 66 East Fourth Street, P.O. Box 2027, Oswego, NY 13126, 315–343–1954.

i. Comment Date: September 12, 1986.

j. Description of Project: The proposed run-of-river project would consist of: (1) A 70-foot-long, 10-foot-high reinforced concrete diversion dam with a crest elevation of 980 feet msl; (2) a 12 acre reservoir with a gross storage capacity of 60 acre feet; (3) two 4-foot-high by 30-foot-long steel taintor gates, and one sluice gate, for flood flow control; (4) a 30-foot-wide, 12-foot-long and 16-foot-high reinforced concrete intake structure with three steel vertical head gates, and stop log gates; (5) a 17.5-foot-high, 28.75-foot-long trash rack; (6) a 500-foot-long, 108-inch-diameter steel penstock; (7) a 4-foot-high by 75-foot-long reinforced concrete diversion wall; (8) two submersible bulb turbine-generating units at the dam, to provide by-pass flows, rated at 105 kW and 54 kW at a net head of 11.0 feet and a total hydraulic capacity of 210 cfs discharging into the Oswegatchie River East Branch at a normal tailwater elevation of 968 feet msl; (9) a 43-foot-long, 30-foot-wide and 16-foot-high reinforced concrete main powerhouse containing two generating units rated at 750 kW and 540 kW at a net head of 30.0 feet and a total hydraulic capacity of 600 cfs, discharging into two reinforced concrete tailraces each about 8 feet high and 11 feet wide; (10) an excavated tailrace canal approximately 200 feet long, 25 feet wide, and 4 feet deep, discharging into the Oswegatchie River East Branch at a normal tailwater elevation of 948.5 feet msl; (11) a 250-foot-long access road to the powerhouse and a 175 feet long extension to the headworks; (12) 300 and 200 feet long, 4.8–kV transmission lines connecting to a Niagara Mohawk Power Corporation distribution line; and (13) appurtenant facilities. The Applicant estimates the average annual energy generation to be approximately 7.0 GWh.

k. Purpose of Project: The power will be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

9a. Type of Application: Minor License.

b. Project No.: 9709–000.

c. Date Filed: December 24, 1985.

d. Applicant: Trafalgar Power, Inc.

e. Name of Project: Herkimer Project.

f. Location: West Canada Creek in Herkimer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) – 825(r).h.

Contact Person: Mr. Arthur H. Steckler, Trafalgar Power, Inc., Smith and Canal Streets, Franklin, NH 03035, (603) 934–4202.

i. Comment Date: September 11, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing timber crib dam consisting of: (a) a 9-foot-high, 95-foot-long section with a crest elevation of 420.0 feet m.s.l.; and (b) a 12-foot-high, 145-foot-long section with a crest elevation of 419.2 feet m.s.l.; (2) a reservoir with a surface area of 19 acres, a storage capacity of 163 acre-feet, and a normal water surface elevation of 420.5 feet m.s.l. with; (3) new timber flashboards; (4) an existing intake structure; (5) a new reinforced concrete and steel powerhouse containing two generating units with a capacity of 525 kW each for a total installed capacity of 1,050 kW; (6) a new transmission line, 50 feet long; and (7) appurtenant facilities. The applicant estimates the average annual generation would be 6,125,000 kWh. The existing dam is owned by the Pennsylvania Egg Carton Company, Herkimer, New York.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

10a. Type of Application: Preliminary Permit.

b. Project No.: 9974–000.

c. Date Filed: April 16, 1986.

d. Applicant: Rough and Ready Hydro Company.

e. Name of Project: Upper Watertown Dam.

f. Location: On the Rock River in the city of Watertown, Jefferson County, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Elaine Hitchcock, Principal, Rough and Ready Hydro Company, 423 Green Tree Road, Kohler, WI 53044, (414) 452–2624.

i. Comment Date: September 18, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing concrete and timber Upper Watertown Dam approximately 175 feet long and 12 feet high; (2) an existing 64 acre reservoir having a storage capacity of 550 acre-feet at a normal maximum surface elevation of 821 msl; (3) an existing reinforced concrete powerhouse approximately 94 feet by 38 feet containing two turbine/generator units having a total installed capacity of 400 kW operating at 12 feet of hydraulic head; (4) an existing tailrace channel; and (5) appurtenant facilities. An existing 8.3-kV distribution line is available at the site. The existing facilities would be rehabilitated and put back into service. The applicant estimates that the average annual energy generation would be 1,550,000 kWh. The project dam is owned by the Wisconsin Electric Power Company.

k. Purpose of Project: The applicant intends to sell the power generated at the proposed facility to the Wisconsin Electric Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time applicant would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

11a. Type of Application: Preliminary Permit.

b. Project No.: 10003–000.

c. Date Filed: May 30, 1986.

d. Applicant: Mr. John H. McCann, Jr.

e. Name of Project: Oneco Pond.

f. Location: On the Moosup River in Windham County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: John H. McCann, Jr., Box 429, Oneco, CT 06373; Jeffrey Marlowe, New Found Power Company, Inc., P.O. Box 576, Hope Valley, RI 02832, (401) 539–2336.

i. Comment Date: September 19, 1986.

j. Description of Project: The proposed run-of-river project would consist of: (1) The existing 9-foot-high and 96-foot-long concrete and stone masonry Oneco Pond Dam with spillway crest elevation of 350 feet mean sea level; (2) a small impoundment; (3) an existing 10-foot-wide, 45-foot-long open canal; (4) an existing 64-foot-long underground conduit; (5) an existing 65-foot-long open canal; (6) an existing powerhouse with 3 new turbine-generator units with a total installed capacity of 60 kW; (7) an existing 180-foot-long tailrace; and (8) other appurtenances. The existing facilities are owned by the Applicant. The Applicant estimates an average annual generation of 210,000 kWh.

k. Purpose of Project: Project energy would be utilized in the adjacent McCann Manufacturing Company and the excess would be sold to Northeast Utilities Service Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. During the term of the permit the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $7,000.

12a. Type of Application: Major License under 5MW.

b. Project No: 9340–000.

c. Date Filed: July 10, 1985.

d. Applicant: Lawrence E. Smith and Veronic P. Smith.

e. Name of Project: Kezar Falls.

f. Location: On the Ossipee River in York and Oxford County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Warren A. Guninan, Power Technics, Inc., P.O. Box 1469, Dover, NH 03820, (603) 335–2606.

i. Comment Date: September 26, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing Kezar Falls Lower Dam and the Kezar Falls Upper Dam owned by the applicants. The proposed facilities at the Kezar Falls Lower Dam consist of: (1) An existing 19-foot-high and 450-foot-long concrete dam with an existing spillway crest elevation of 343 feet NGVD with new 2-foot-high flashboards; (2) an existing 30-acre surface reservoir with a storage capacity of 150 acre-feet at elevation 350 feet NGVD; (3) an existing 900-foot-long earthen dike adjacent to an intake canal with three 8-foot by 8-foot sluice gates at the head of the canal; (4) an existing 27-foot-wide and 57-foot-long concrete powerhouse containing an existing turbine/generator with an installed capacity of 500 kW and a proposed turbine/generator for a total capacity of 905 kW; (5) a proposed 21.5-foot-wide and 25.5-foot-long concrete powerhouse to be located at the right abutment of the dam, and containing one turbine/generator for an installed capacity of 147 kW; (6) a proposed 7.5-foot-deep by 20-foot-wide and 100-foot-long flume from the left bank to the new powerhouse; (7) an existing tailrace 300 feet long; (8) an existing 150-foot-long transmission line from the existing powerhouse to a Central Maine Power substation, and a new 850-foot-long transmission line from the new powerhouse to the Central Maine Power substation; and (9) appurtenant facilities.

The proposed facilities at the Kezar Falls Upper Dam consist of: (1) an existing 13-foot-high and 270-foot-long concrete dam with an existing spillway crest elevation of 364.9 feet NGVD with new 1.5-foot-high flashboards (2) an existing 25-acre surface reservoir with a storage capacity of 130 acre-feet at elevation 370.9 feet NGVD; (3) an existing 270-foot-long rock-filled, timber-crib overflow dike; (4) an existing 150-foot-long intake canal; (5) a proposed intake structure having two head gates; (6) an existing 24-foot-wide and 35-foot-long concrete powerhouse to contain one turbine/generator with an installed capacity of 340 kW; (7) a proposed 21.5-foot-wide and 25.5-foot-long concrete powerhouse to contain one turbine/generator with an installed capacity of 223 kW; (8) an existing 50-foot-long transmission line and a proposed 450-foot-long transmission line; and (9) appurtenant facilities. The total estimated average annual energy

produced by the project would be 7,929,000 kWh operating under a net hydraulic head of 13 feet.

k. Purpose of Project: Project power will be sold to the Central Maine Power Company.

l. This notice also consist of the following standard paragraphs: A3, A9, A8, B, C, Dl.

13a. Type of Application: Major License, Less than 5 MW.

b. Project No.: 7395–001.

c. Date Filed: November 4, 1985.

d. Applicant: W.M. Lewis & Associates, Inc.

e. Name of Project: East Fork Dam.

f. Location: East Fork of the Little Miami River in Clermont County, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Terrence L. Turner, W.M. Lewis & Associates, Inc., P.O. Box 1383, Portsmouth, OH 45662, (614) 354–3238.

i. Comment Date: September 5, 1986.

j. Competing Applications: Project No. 9578, Date Filed: 11–1–85; and Project No. 9591, Date Filed: 11–1–85.

k. Description of project: The proposed project would utilize the U.S. Army Corps of Engineers' East Fork dam and William H. Harsha Lake and would consist of: (1) A reinforced concrete intake structure containing a 108-inch-diameter butterfly valve and a ten-foot-long conical transition section converging to (2) a 715-foot-long, 96-inch-diameter tunnel and steel penstock; (3) a 135-foot-high, 20-foot-diameter surge tank; (4) two 66-inch-diameter and one 36-inch-diameter steel penstocks 330-feet-long; (5) a 44-foot by 88-foot semi-outdoor type powerhouse containing 3 units, one rated at 300-kW and two rated at 1,850-kW each; (6) a 70-foot-long trapezoidal tailrace channel with a bottom width of 45-feet; (7) a 2,500-foot-long, 12.5-kV transmission line from a small switching station adjacent to the powerhouse to an existing 12.5-kV line. The average annual energy generation is estimated to be 15.8-GWh. The applicant estimates that the project construction cost would be $7,905,000. Project power would be sold.

l. This notice also consists of the following standard paragraph: A3, A9, B, C, and Dl.

14a. Type of Application: New Major License.

b. Project No.: P–2528–002.

c. Date Filed: December 27, 1984.

d. Applicant: Central Maine Power Company.

e. Name of Project: Cataract.

f. Location: On the Saco River in York County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gerald C. Poulin, Vice President, Engineering, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623–3521.

i. Comment Date: September 29, 1986.

j. Description of Project: The existing project works currently licensed are: (1) Two existing dams the Cataract Dam and the West Channel Dam, the Cataract Dam consists of an overflow section with a fixed crest at elevation 40 feet USGS, Four 4-foot-high and 90-foot-long flashboards, the West Channel Dam consists of an overflow section with a crest elevation at 40.5 feet USGS with 4-foot-high flashboards; (2) both dams create a 14-acre reservoir with a normal surface elevation of 44 feet USGS with a storage capacity of 1.2 million cubic feet; (3) two additional existing dams the Bradbury Dam and the Springs Dam, the Bradbury Dam consists of two overflow sections both with a fixed crest at elevation 47.7 feet USGS and 20-inch pintype flashboards; (4) both dams create a 359-acre reservoir with a normal surface elevation of 49.2 feet USGS with a storage capacity of 31 million cubic feet; (5) an existing steel and brick powerhouse which contains one turbine/generator with a total rated capacity of 6,650 kW; and (6) appurtenant facilities.

The redeveloped project would consist of: (1) Renovating the existing head works at the existing West Channel Dam; (2) renovate a portion of the existing closed canal system; (3) rehabilitate two non-project turbine/generator NKL units rated at 480 kW and 420 kW for a total installed capacity of 900 kW; (4) a new substation that would connect to an existing 34.5-kV transmission line; and (5) appurtenant facilities. The project facilities are owned by the Central Maine Power Company.

The Applicant estimates the average annual generation would be 50,500,000 kWh. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. The Applicant's estimated net investment in the project would amount to $2,649,700.

k. Purpose of Project: Project power would continue to be sold to the customers of Central Maine Power.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

15a. Type of Application: Preliminary Permit.

b. Project No.: 10016–000.

c. Date Filed: June 10, 1986.

d. Applicant: Perkinsville Hydro Associates.

e. Name of Project: Perkinsville.

f. Location: On the Black River in Windsor County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert Evans King, 170 Barretts Mill Road, Concord, MA 01742, (603) 224–8333.

i. Comment Date: September 29, 1986.

j. Description of Project: The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Perkinsville Dam and reservoir and would consist of: (1) A new 6-foot-diameter and 200-foot-long concrete penstock; (2) a new powerhouse with 2 turbine-generator units with a total installed capacity of 300 kW; (3) a new 100-foot-long tailrace; (4) a new 3,000-foot-long transmission line; and (5) other appurtenances. Applicant estimates an average annual generation of 1,500,000 kWh.

k. Purpose of Project: Project energy would be sold to Central Vermont Public Service Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. During the term of the permit the applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $12,000.

16a. Type of Application: Preliminary Permit.

b. Project No.: P–10038–000.

c. Date Filed: July 14, 1986.

d. Applicant: Summit Hydropower.

e. Name of Project: Cargill Falls.

f. Location: On the Quinebaug River in Windham County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Duncan Broatch, Summit Hydropower, P.O. Box 122, Putnam, CT 06260, (203) 928–2002.

i. Comment Date: October 8, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 25-foot-high and 100-foot-long dam with a spillway crest elevation of 248 msl; (2) an existing 3-acre reservoir with a storage capacity of 15-acre-feet at 248 msl; (3) an existing 20-foot-long and 15-foot-wide forebay area; (4) a proposed penstock 10 feet in diameter

approximately 50 feet long; (5) a proposed powerhouse to contain two turbine/generators for a total installed capacity of 1200 kW which discharges into a river course 50 feet down stream from the toe of the dam; (6) an existing 23-kV three phase transmission line 85 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be 5,256,000 kWh under a hydraulic head of 25 feet. The owner of the dam is the Town of Putnam.

k. Purpose of Project: Project power will be sold to the Northeast Utilities Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

17a. Type of Application: Exemption (5MW or less).

b. Project No: 10004–000.

c. Date Filed: May 30, 1986.

d. Applicant: City of Ypsilanti, Michigan.

e. Name of Project: Peninsular Paper Hydro Dam Project.

f. Location: On the Huron River in Washtenaw County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791–825(r).

h. Contact Person: Donald P. Weaver, Ayres, Lewis & May Inc., 2330 E. Stadium Blvd., Ann Arbor, MI 48104, (313) 971–7800.

i. Comment Date: September 15, 1986.

j. Description of Project: The existing dam is owned by the Peninsular Paper Company, which gave the City of Ypsilanti, Michigan the option and right to purchase the dam for a sum of one dollar. The proposed project would consist of: (1) A reinforced concrete dam, which is approximately 250 feet long and 18 feet high; (2) an existing reservoir with a surface area of 66 acres and a storage capacity of 707 acre-feet at powerpool elevation of 712.75 feet m.s.l; (3) an existing powerhouse that would include the installation of two, 262-kW generating units; (4) proposed excavation of forebay and tailrace areas; (5) a proposed 4.8-kV transmission line; and (6) appurtenant facilities. The estimated average annual energy output is 3,000,000 kWh.

k. Purpose of Project: Power produced at the project would be sold to Detroit Edison Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

18a. Type of Application: Preliminary Permit.

b. Project No.: 10029–000.

c. Date Filed: July 7, 1986.

d. Applicant: Albert S.J. Stovall.

e. Name of Project: Andrews Mill Site.

f. Location: On the South Fork of Broad River, near Carlton and Elberton, Madison and Oglethrope Counties, Georgia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Albert S.J. Stovall, 3863 Ingraham, B103, San Diego, CA 92109, (619) 483–8421.

i. Comment Date: September 22, 1986.

j. Competing Application: Project No. 9872–000, Date Filed: January 3, 1986.

k. Description of Project: The proposed project would consist of: (1) A proposed concrete dam approximately 10 feet high and 300 feet long; (2) a proposed 70-acre reservoir with a storage capacity of 210 acre-feet at a normal water surface elevation of 475 feet msl; (3) a proposed canal 9 feet deep, 15 feet wide, and 2,000 feet long; (4) a proposed reinforced concrete penstock 5 feet by 5 feet and 400 feet long; (5) a proposed concrete and masonry powerhouse 25 feet by 30 feet housing one 250-kW hydropower unit and one 750-kW hydropower unit for a total capacity of 1,000 kW; (6) a proposed tailrace 20 feet long; (7) a proposed 24-kV transmission line approximately one mile long; (8) appurtenant facilities; and (9) restoration of the mill located at the site. The applicant estimates that the average annual energy generation would be 8 GWh. The project energy would be sold to Georgia Power Company. The project site is owned by the applicant.

l. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

m. Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that no cash outlay will be necessary to perform the work under the preliminary permit.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later

than 120 days after the specified comment data for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene nust also be served upon each representative of the Applicant spcified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: August 6, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–18009 Filed 8–8–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP–86–51–000]

Northern Natural Gas Co., Division of Enron Corp. v. Cabot Pipeline Corp. and Texaco Producing Inc.; Complaint

Issued: August 5, 1986.

On July 24, 1986, Northern Natural Gas Company, a division of Enron Corp. (Northern), filed with the Federal Energy Regulatory Commission (Commission) a complaint against Cabot Pipeline Corporation (Cabot) and Texaco Producing Inc. (Texaco), pursuant to

sections 5 and 16 of the Natural Gas Act, section 501 of the Natural Gas Policy Act of 1978, and Rule 206 of the Commission's Rules of Practice and Procedure. 15 U.S.C. 717d and 717o (1982); 15 U.S.C. 3411 (1982); and 18 CFR 385.206 (1986). Northern asserts that both Cabot and Texaco are purchasers of gas which the Commission has found was illegally diverted from Northern by one or more of the respondents named in the Commission's February 15, 1984 Show Cause Order in *Stowers Oil and Gas Company*, 26 FERC ¶ 61,207. *See* Opinion No. 239, issued July 12, 1985, 32 FERC ¶ 61,043; Opinion No. 247, issued December 23, 1985, 33 FERC ¶ 61,410. Northern requests the Commission to determine whether approximately $8,000,000.00 attributable to diverted gas currently held in suspense by Cabot and Texaco, and funds which could have been held in suspense by Cabot and Texaco with the exercise of due diligence, should be made available to Northern and its jurisdictional customers as a part of the remedy for the diversion of dedicated gas.

In its complaint, Northern states that Cabot and Texaco have refused during the remedy phase (Phase II) of the *Stowers* proceedings to provide Northern with information regarding their decisions to suspend payments to the respondents. According to Northern, it is evident from a prehearing conference in Phase II held on July 30, 1985, that the respondents in Phase II are in financial distress and will probably be unable to discharge, either in volumes of gas or the monetary equivalent thereof, the provisions of any possible remedial order that may result from Phase II of the *Stowers* proceedings. Northern argues that the company and its jurisdictional customers are entitled to seek remedial relief out of these funds, and that the Commission should determine the disposition of the funds held in suspension by Cabot and Texaco as part of Phase II of the *Stowers* proceedings.

Additionally, Northern questions whether Cabot and Texaco acted prudently and diligently in suspending payments to the respondents, or whether, through neglect and unwarranted delay, funds which would otherwise be available for remedial purposes have been dissipated. Northern argues that Cabot's and Texaco's refusal to provide the requested information prevents Northern and its jurisdictional customers from obtaining a meaningful remedy in the *Stowers* proceedings. Northern requests the Commission to order a hearing on the matters raised in its complaint, consolidate this hearing with the hearing scheduled to be held on August 12, 1986, in Phase II of the *Stowers* proceedings in Docket No. GP84-23-000, and determine that funds currently held by Cabot and Texaco, as well as funds which by the exercise of due diligence could have been held by these companies, attributable to volumes of gas purchased from the respondents in *Stowers* proceeding, are available to Northern and its jurisdictional customers as a remedy for the unlawful diversion of dedicated gas reserves.

Any person desiring to be heard or to protest Northern's filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1985)). All such motions or protests should be filed on or before September 4, 1986.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Northern's complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18020 Filed 8-8-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-3061-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382-2740 or FTS 382-2740.

SUPPLEMENTARY INFORMATION:

Office of the Administrator

Title: Hazardous Substance Response Fund Contractor Cost Report (EPA ICR #0788). (This is an extension of a currently approved ICR; no changes are proposed.)

Abstract: EPA collects daily reports from contractors on costs incurred during the cleanup of a hazardous substance release. The Agency uses the data to verify vouchers submitted by the contractors, avoid overspending of appropriation funds, and support reimbursement claims.

Respondents: Contractors doing cleanup for EPA of hazardous substance spills.

Office of Air and Radiation

Title: Information Request for Development of National Emission Standard (NESHAP) for Chromium Emissions from Cooling Towers (EPA ICR #1308). (This is a new collection.)

Abstract: The purpose of this information collection request is to gather from owners and operators of process and comfort cooling towers data that will be used to develop national emission standards for regulating chromium emissions to the ambient air. The information request will require a one-time response.

Respondents: Owners and operators of process and comfort cooling towers.

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0167, Letter of Verification of Test Parameters and Parts Lists—Light Duty Vehicles and Light Duty Trucks, was approved 7/23/86 (OMB #2060-0024; expires 7/31/89).

EPA ICR #0619, Mobile Source Emission Factor Survey, was approved 7/23/86 (OMB #2060-0078; expires 7/31/89).

EPA ICR #1053, New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units (Subpart DA)—Information Requirements, was approved 7/22/86 (OMB #2060-0023; expires 7/31/89).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street SW., Washington, DC 20460

and

Rick Otis (ICR #0788), or Wayne Leiss (ICR #1308) Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, DC 20503.

Dated: August 4, 1986.

David Schwarz

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86-17886 Filed 8-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OMS-FRL-3062-7]

Fuels and Fuel Additives; Denial of Application for a Waiver

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of waiver denial.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act (Act), the Environmental Protection Agency is denying a waiver requested by American Methyl Corporation (American Methyl) for a proprietary fuel known as Petrocoal. On September 28, 1981, EPA granted a waiver to American Methyl for Petrocoal. Subsequently, the United States Court of Appeals for the District of Columbia Circuit vacated EPA's September 28, 1981 action and ordered the Agency to review its decision de novo based on the record existing as of September 28, 1981. In accordance with the Court of Appeals decision, EPA has considered the original waiver application for Petrocoal submitted by American Methyl and has decided to deny the waiver for reasons discussed in the Decision Document, which is available in the public docket.

DATE: Effective August 4, 1986.

ADDRESS: Copies of the information relative to this waiver application, including the Administrator's decision document, are available for inspection in public docket EN-81-8 at the Central Docket Section (LE-131A) of EPA, Gallery-1, West Tower, 401 M Street SW., Washington, DC 20460, (202) 382-7548 between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Sylvia I. Correa, Attorney/Advisor, Fuels Section, Field Operations and Support Division (EN-397F), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act, 42 U.S.C. 7545(f)(1), generally prohibits the introduction into commerce of certain new automotive fuels and fuel additives. Section 211(f)(4) of the Act provides that the Administrator of the EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibitions established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additives will not cause any vehicle to fail to meet applicable emissions standards.

American Methyl[1] submitted an application for a waiver for a proprietary fuel known as "Petrocoal" on February 20, 1981. Petrocoal consists of up to 12 percent by volume of methanol, up to six percent by volume of certain four-carbon alcohols, a proprietary inhibitor ranging from 0.023 grams to 0.033 grams per gallon (of the finished fuel), and the remainder unleaded gasoline. A **Federal Register** notice was published April 13, 1981, (46 FR 21695) acknowledging receipt of the application and soliciting comments. On September 28, 1981, the Administrator granted the waiver subject to certain conditions. A **Federal Register** notice of that decision was published on October 5, 1981, (46 FR 48975).

On December 4, 1981, the Motor Vehicle Manufacturers Association (MVMA) filed with EPA a petition seeking administrative reconsideration of EPA's decision. Also on December 4, 1981, MVMA filed a timely petition for review of the waiver grant in the U.S. Court of Appeals for the District of Columbia Circuit. *MVMA* v. *EPA*, No. 81-2276. American Methyl joined in the litigation as an intervenor.

On March 28, 1984, (49 FR 11879) the Agency granted MVMA's petition for reconsideration and proposed to revoke the waiver under section 211(f). Shortly thereafter, the Court of Appeals granted a stay of proceedings in the *MVMA* case pending a final administrative decision by EPA.

On May 25, 1984, however, American Methyl petitioned the same Court of Appeals for review of the proposed revocation on the ground that section 211(f) did not authorize such action by the Agency. That Court subsequently held that EPA was not authorized to revoke the waiver under section 211(f), although it might control or prohibit marketing of the product pursuant to section 211(c). *American Methyl Corp.* v. *EPA*, 749 F.2d 826 (1984).

[1] Until June 30, 1982, American Methyl was incorporated under the name "Anafuel Unlimited." For the sake of clarity, its current name will be used.

Subsequently, the *MVMA* lawsuit was reactivated and on July 26, 1985, the Court of Appeals vacated the Administrator's decision granting the waiver for Petrocoal, thereby making the Petrocoal waiver void, and remanded the matter to the Agency to make a determination as to whether to grant such a waiver on the basis of the record existing at the time of the original waiver decision. *MVMA* v. *EPA*, 768 F.2d 385. The issuance of the mandate implementing its order was stayed, however, pending American Methyl's unsuccessful request for rehearing by the Court of Appeals and its subsequent petition for certiorari to the Supreme Court. That petition was denied on January 21, 1986. *American Methyl Corp.* v. *MVMA*, ___ U.S. ___, 106 S. Ct. 852. On February 5, 1986, the Court of Appeals issued its mandate in the *MVMA* case.

On March 17, 1986 (51 FR 9114), EPA published a **Federal Register** notice announcing that it would consider the original waiver application for Petrocoal de novo, based on the record existing prior to September 28, 1981, in accordance with the order in the *MVMA* case.

On March 27, 1986, American Methyl and others petitioned the Court of Appeals for review of EPA's March 17, 1986 notice and for a declaratory judgment that continued sale of Petrocoal could be prohibited only by a rulemaking in accordance with the provisions of section 211(c) of the Act. On April 14, 1986, the Court summarily dismissed those petitions, stating that its decision in *MVMA* v. *EPA* made it clear that Petrocoal never received a valid waiver. *American Methyl Corp.* v. *EPA*, Nos. 86-1126, 86-1190.

For reasons specified in the decision document (available as described above), I have determined that American Methyl has not met the burden established under section 211(f)(4) necessary to obtain a waiver for Petrocoal. The data which American Methyl submitted in support of its request fails to meet the statutory requirement that it demonstrate that Petrocoal does not cause or contribute to a failure of vehicles to meet emission standards with respect to which they have been certified pursuant to section 206 of the Act.

EPA has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not

required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This is final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Act, judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication of this notice. Under section 307(b)(2), judicial review may not be obtained in any subsequent judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: August 4, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86-17956 Filed 8-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00071 (FRL-3064-3)]

Testing Consent Agreement Development for Chemical Substances Under TSCA Section 4; Solicitation for Public Participation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an Interim Final Rule that amends EPA's regulations for the development and implementation of testing requirements under section 4 of the Toxic Substances Control Act (TSCA). These amendments provide for testing consent agreements between EPA and affected manufacturers, processors, and interested parties for the development of testing programs. In this notice, EPA is soliciting public participation in the consent agreement process for aniline (CAS No. 62-53-3) and seven substituted anilines: 2-chloroaniline (CAS No. 95-51-2), 4-chloroaniline (CAS No. 106-47-8), 3,4-dichloroaniline (CAS No. 95-76-1), 2-nitroaniline (CAS No. 88-74-4), 4-nitroaniline (CAS No. 100-01-6), 2,4-dinitroaniline (CAS No. 97-92-9), and 2,6-dichloro-4-nitroaniline (CAS No. 99-30-9), and invites persons interested in participating in or monitoring negotiations for the development of a consent agreement to identify themselves as "interested parties". A public meeting is announced to discuss EPA's preliminary testing determinations for these chemicals.

DATES: Submit written notice of interest to be designated an interested party on or before September 4, 1986. A public meeting will be held on August 21, 1986.

ADDRESS: Submit written notice of interest in being designated an "interested party" in triplicate identified by the document control number (OPTS-00071) to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460. Toll Free: (800-424-9065). In Washington, DC: (554-1404). Outside the United States: (Operator-202-554-1404).

Persons interested in attending the public meeting should notify EPA by telephone on or before August 15, 1986.

SUPPLEMENTARY INFORMATION: EPA has issued amendments to the procedural regulations in 40 CFR Part 790, published in the **Federal Register** of June 30, 1986 (51 FR 23706), which govern the development and implementation of testing requirements under section 4 of TSCA. These amendments establish procedures for using enforceable consent agreements to develop testing requirements under section 4 of the Act. This notice serves three purposes under those procedures. First, it announces a public meeting to initiate testing negotiations for the chemicals. Second, it requests "interested parties" who wish to participate in testing negotiations for eight chemicals recommended to EPA by the Interagency Testing Committee (ITC) to identify themselves to EPA. Third, it proposes a target schedule for implementation of the consent agreement process for the chemical substances under consideration.

I. Identification of Interested Parties

Under 40 CFR 790.22, the testing negotiation procedures are initiated by the publication of a **Federal Register** notice which invites persons interested in participating in or monitoring negotiations for the development of a consent agreement to notify the Agency in writing. Those individuals and groups who respond to EPA's notice by the deadline established in the notice will have the status of "interested parties" and will be afforded opportunities to participate in the negotiation process. These "interested parties" will not incur any obligations by being designated "interested parties". The procedures for these negotiations are described in 40 CFR 790.22. Eight chemical substances now are being considered for testing consent agreements. These substances are:

1. Aniline (CAS No. 62-53-3).
2. 2-Chloroaniline (CAS No. 95-51-2).
3. 4-Chloroaniline (CAS No. 106-47-8).
4. 3, 4-Dichloroaniline (CAS No. 95-76-1).
5. 2-Nitroaniline (CAS No. 88-74-4).
6. 4-Nitroaniline (CAS No. 100-01-6).
7. 2,4-Dinitroaniline (CAS No. 97-92-9).
8. 2,6-Dichloro-4-nitroaniline (CAS No. 99-30-9).

All eight substances are members of the category, "aniline and chloro-, bromo-, and/or nitroanilines" designated by the ITC for testing in its Fourth Report; EPA responded to the ITC by publishing an Advance Notice of Proposed Rulemaking on the category in the **Federal Register** of January 3, 1984 (49 FR 108). Individuals and groups desiring to have the status of "interested parties" in the development of testing consent agreements for any of these chemicals should submit a written notice of this fact to the Agency at the address given above on or before September 4, 1986 EPA is initiating the consent agreement process rather than rulemaking for these designated chemicals because the Agency believes the consent agreement process will lead to the development of necessary test data significantly earlier than formal rulemaking.

II. Public Meetings

A public meeting will be held to discuss EPA's tentative evaluation of testing needs for these chemicals on August 21, 1986 at 1:30 p.m. This meeting will be held in Rm. 103, Northwest Mall, EPA Headquarters, 401 M st., SW., Washington, DC 20460. Persons interested in attending this meeting should notify the EPA TSCA Assistance Office by telephone at the telephone numbers listed above on or before August 15, 1986.

III. Timetable for Negotiating Consent Agreements

In accordance with the procedures for the development of consent agreements established in 40 CFR 790.22, the following target schedule is established for aniline, 2-chloroaniline, 4-chloroaniline, 3,4-dichloroaniline, 2-nitroaniline, 4-nitroaniline, 2,4-dinitroaniline, and 2,6-dichloro-4-nitroaniline:

August 21, 1986—Public meeting to discuss EPA's preliminary testing decisions.

September 4, 1986—Deadline for notice of interested party designation.
October 30, 1986—Decision by EPA on whether to use consent order or test rule.
December 11, 1986—Draft consent order sent to interested parties for comment (if EPA decides to use consent order).
March 5, 1987—Issue consent order.

or

April 16, 1987—Issue notice of proposed rulemaking for test rule.

(Authority: 15 U.S.C. 2603.)

Dated: August 4, 1986.

J. Merenda,

Director, Existing Chemical Assessment Division.

[FR Doc. 86-18118 Filed 8-8-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities Under OMB Review

August 1, 1986.

The following information collection requirement has been approved by the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511 (44 U.S.C. 3507). For further information contact Doris Benz, FCC, (202) 632-7512.

OMB No.: 3060-0027

Title: Application for Construction Permit for Commercial Broadcast Station

Form No.: FCC 301

The revised application form FCC 301 has been approved for use through 2/29/89. The April 1985 edition with an OMB expiration date of 12/31/87 will remain in use until revised forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-17983 Filed 8-8-86; 8:45 am]

BILLING CODE 6712-01-M

New AM Stations; Applications for Consolidated Hearing; French Creek Communications, Inc. and Custer Communications

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant	City/State	File No.	MM docket No.
A. French Creek Communications, Inc.	Custer, SD	BP-850829AB	86-321
B. Custer Communications, Inc.	Custer, SD	BP-851202AH	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading:	*Applicant(s)*
Comparative	All applicants.
Ultimate	All applicants.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86-17986 Filed 8-8-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1608]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Opposition to these petitions must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Karns and Maryville, Tennessee) (MM Docket No. 85-311, RM's 5032 & 5229). Number of petitions received: 1.

Federal Communications Commission.

William J. Tricarico,

Secretary.

July 31, 1986.

[FR Doc. 86-17984 Filed 8-8-86; 8:45 am]

BILLING CODE 6712-01-M

Travel Reimbursement Authority Report

AGENCY: Federal Communications Commission.

ACTION: Publishing of report on travel reimbursement authority.

SUMMARY: In Pub. L. 99-272, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report of all reimbursements allowed and provide copies of each report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done until September 30, 1987. In addition, the Federal Communications Commission must publish each report in the **Federal Register** until September 30, 1987.

DATE: This report is for the period from October 1, 1985 through June 30, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632-6900.

SUPPLEMENTARY INFORMATION: The report for the period October 1, 1985 through June 30, 1986 is as follows:

Federal Communications Commission Travel Reimbursement Program October 1, 1985—June 30, 1986 Summary Report

Total Number of Sponsored Events	43
Total Number of Sponsoring Organizations	35
Total Number of Commissioners/ Employees Attending	72

Total Amount of Reimbursement Expected:
Transportation..... $19,468.60
Subsistence..... $10,481.27
Other Expenses..... $2,295.92
Total..... $32,245.79

Individual Event Reports Attached.

Federal Communications Commission Travel Reimbursement Program Individual Event Report

Sponsoring Organization: National Cable Television Association, 1724 Massachusetts Avenue NW., Washington, DC 20036.
Date of the Event: March 16–18, 1986.
Description of the Event: To participate in the National Cable TV Convention in Dallas, Texas.
Commissioners Attending:
Commissioner Mimi Weyforth Dawson
Commissioner Dennis Patrick
Other Employees Attending:
Daniel Brenner, Senior Advisor to Chairman Fowler
Brian Fontes, Special Assistant—Office of Commissioner Quello
Bradley Holmes, Attorney Adviser—Office of Commissioner Patrick
Thomas Herwitz, Attorney Adviser—Office of Chairman Fowler
John Richards, Attorney Adviser—Office of Commissioner Dawson
John Kamp, Attorney Adviser—Office of Congressional and Public Affairs
Albert Halprin, Chief, Common Carrier Bureau
Amount of Reimbursement:
Transportation..... $2,146.00
Subsistence..... $1,097.29
Other Expenses..... $193.70
Total..... $3,436.99

Sponsoring Organization: National Association of Broadcasters, 1771 N. Street N.W., Washington, DC 20036.
Date of the Event: April 11–15, 1986.
Description of the Event: To participate in the National Association of Broadcasters 64th Annual Convention and International Exhibition in Dallas, Texas.
Commissioners Attending:
Commissioner Mimi Weyforth Dawson
Commissioner James Quello
Commissioner Dennis Patrick
Other Employees Attending:
Diane Killory, Senior Advisor to Commissioner Patrick
Larry Eads, Chief, Audio Services Division—Mass Media Bureau
James Shook, Attorney Adviser—Mass Media Bureau
Daniel Brenner, Senior Advisor to Chairman Fowler
Roy Stewart, Chief, Video Services Division—Mass Media Bureau
Ralph Haller, Supervisory Electronics Engineer—Mass Media Bureau
John Reiser, Electronics Engineer—Mass Media Bureau
William Hassinger, Electronics Engineer—Mass Media Bureau
Robert Cleveland, Physical Scientist—Office of Engineering & Technology
Thomas Stanley—Chief Engineer—Office of Engineering & Technology
Kenneth Howard—Attorney Advisor to Commissioner Quello
Robert Pettit—Senior Advisor to Commissioner Dawson
Amount of Reimbursement:
Transportation..... $3,915.00
Subsistence..... $3,588.09
Other Expenses..... $651.30
Total..... $8,154.39

Sponsoring Organization: Special Industrial Radio Service Association, Inc., 1700 N. Moore Street, Suite 910, Rossyln, VA 22209.
Date of the Event: October 2–5, 1985.
Description of the Event: Keynote speaker at the 1985 Annual Membership Meetings for the Special Industrial Radio Service Association (SIRSA) in Seattle, Washington.
Commissioners Attending: N/A.
Other Employee(s) Attending: Richard Smith, Chief, Field Operations Bureau.
Amount of Reimbursement:
Transportation..... $432.00
Subsistence..... $139.00
Other Expenses..... $40.00
Total..... $611.00

Sponsoring Organization: Bell South Corporation, 1819 L Street NW., Suite 1000, Washington, DC 20036.
Date of the Event: October 6–7, 1985.
Description of the Event: To participate in a symposium sponsored by the Communications Society of the Institute of Electrical and Electronic Engineers in Destin, Florida.
Commissioners Attending: N/A.
Other Employee(s) Attending: Janice Obuchowski, Legal Assistant to Chairman Fowler.
Amount of Reimbursement:
Transportation..... $324.00
Subsistence..... $75.00
Other Expenses..... $16.10
Total..... $415.10

Sponsoring Organization: United States Telephone Association, 900 19th Street NW., Suite 800, Washington, DC 20006.
Date of the Event: October 13–16, 1985.
Description of the Event: To attend and participate in the 88th Annual National Convention of the U.S. Telephone Association in San Antonio, Texas.
Commissioners Attending: Chairman Mark Fowler.
Other Employee(s) Attending: Jerald Fritz, Chief of Staff—Office of Chairman Fowler.
Amount of Reimbursement:
Transportation..... $564.00
Subsistence..... $231.66
Other Expenses..... $35.00
Total..... $830.66

Sponsoring Organization: Securities Industry Association, 120 Broadway, New York, NY 10271.
Date of the Event: October 2–3, 1985.
Description of the Event: Speaker at the SIA Communications/Microcomputer Conference in New York City.
Commissioners Attending: N/A.
Other Employee(s) Attending: Peter Pitsch, Chief, Office of Plans and Policy.
Amount of Reimbursement:
Transportation..... $150.00
Subsistence..... $30.00
Other Expenses..... $39.46
Total..... $219.46

Sponsoring Organization: Bell Communications Research Company, 2101 L Street NW., Washington, DC 20037.
Date of the Event: October 21–22, 1985.
Description of the Event: Participate as speaker in a Bell Company Fundamental Network Planning Conference in Huron, Ohio.
Commissioners Attending: N/A.
Other Employee(s) Attending: Thomas Spavins, Deputy Chief—Office of Plans and Policy.
Amount of Reimbursement:
Transportation..... $166.00
Subsistence..... $50.00
Other Expenses..... $20.70
Total..... $236.70

Sponsoring Organization: Southwestern Bell Telephone Company, 1667 K Street NW., Suite 1000, Washington, DC 20006.
Date of the Event: October 31, 1985–November 1, 1985.
Description of the Event: To participate in the Southwestern Bell Legal Conference in St. Louis, Missouri.
Commissioners Attending: N/A.
Other Employee(s) Attending: Jack Smith, General Counsel.
Amount of Reimbursement:
Transportation..... $222.00
Subsistence..... $75.00
Other Expenses..... $0
Total..... $297.00

Sponsoring Organization: Southwestern Bell Telephone Company, 1667 K Street NW., Suite 1000, Washington, DC 20006.
Date of the Event: November 13–14, 1985.
Description of the Event: To address Southwestern Bell Telephone Company personnel on the mechanics of filing interstate tariffs in St. Louis, Missouri.
Commissioners Attending: N/A.
Other Employee(s) Attending: Judith Nitsche, Supervisory Public Utilities Specialist—Common Carrier Bureau.
Amount of Reimbursement:
Transportation..... $222.00
Subsistence..... $81.94
Other Expenses..... $0
Total..... $303.94

Sponsoring Organization: AT&T Communications, 295 North Maple Avenue, Room 17–5232B2, Basking Ridge, NJ 07920.
Date of the Event: October 22–23, 1985.
Description of the Event: To speak at the 800 Club membership meeting in Chicago, Illinois.
Commissioners Attending: N/A.
Other Employee(s) Attending: Peter Pitsch, Chief, Office of Plans and Policy.
Amount of Reimbursement:
Transportation..... $318.00
Subsistence..... $77.00
Other Expenses..... $59.14
Total..... $454.14

Sponsoring Organization: National Radio Broadcasters Association, 400 Radio Road, Charlotte, NC 28216.
Date of the Event: January 17–21, 1986.
Description of the Event: To participate in the NRBA Seminar in Dallas, Texas.
Commissioners Attending: N/A.
Other Employee(s) Attending: James McKinney, Chief, Mass Media Bureau.

Amount of Reimbursement:
Transportation.....$47.00
Subsistence.....$75.00
Other Expenses.....$0
Total.....$122.00

Sponsoring Organization: Association of Independent Television Stations, Inc., 1200 Eighteen St. NW., Washington, DC 20036.
Date of the Event: January 1–8, 1986.
Description of the Event: To participate at INTV's 13th Annual Convention in Los Angeles, California.
Commissioners Attending: Commissioner Dennis Patrick.
Other Employee(s) Attending:
Thomas Herwitz, Attorney Adviser—Office of Chairman Fowler;
James McKinney, Chief, Mass Media Bureau.

Amount of Reimbursement:
Transportation.....$936.00
Subsistence.....$665.12
Other Expenses.....$117.20
Total.....$1,718.32

Sponsoring Organization: Northern Telecom, Inc., 6201 Oakton Street, Morton Grove, IL 60053–2722.
Date of the Event: January 12–14, 1986.
Description of the Event: To attend and participate on panel "Symposium Teleprocessing in the Central Office" sponsored by Northern Telecom in San Francisco, California.
Commissioners Attending: N/A.
Other Employee(s) Attending:
Jerald Fritz, Chief of Staff—Office of Chairman Fowler
Peter Pitsch, Chief, Office of Plans & Policy

Amount of Reimbursement:
Transportation.....$715.00
Subsistence.....$150.00
Other Expenses.....$96.50
Total.....$961.50

Sponsoring Organization: Cahners Exposition Group, 999 Summer Street, P.O. Box 3833, Stamford, CT 06905.
Date of the Event: October 15, 1985.
Description of the Event: To give speech at INFO '85 in New York City.
Commissioners Attending: N/A.
Other Employee(s) Attending: Gerald Brock, Industry Economist—Office of Plans & Policy.

Amount of Reimbursement:
Transportation.....$106.00
Subsistence.....$0
Other Expenses.....$42.20
Total.....$148.20

Sponsoring Organization: Bell Communications Research Company, 290 West Mt. Pleasant Avenue, Livingston, NJ 07039–2729.
Date of the Event: January 14–17, 1986.
Description of the Event: To address the "Economic Alternatives for NTS Cost Recovery" forum sponsored by Bell Communications Research Company in Salt Lake City, Utah.
Commissioners Attending: N/A.
Other Employee(s) Attending: Gerald Brock, Industry Economist—Office of Plans & Policy.

Amount of Reimbursement:
Transportation.....$372.00
Subsistence.....$229.00
Other Expenses.....$26.00
Total.....$627.00

Sponsoring Organization: United States Telephone Association, 1801 K Street NW., Suite 1201, Washington, DC 20006.
Date of the Event: February 3–4, 1986.
Description of the Event: To participate in USTA's "Western Telecommunications Showcase" in Dallas, Texas.
Commissioners Attending: N/A.
Other Employee(s) Attending: Janice Obuchowski, Legal Assistant to Chairman Fowler.

Amount of Reimbursement:
Transportation.....$234.00
Subsistence.....$58.87
Other Expenses.....$45.20
Total.....$338.07

Sponsoring Organization: Charles River Associates, Incorporated, John Hancock Tower, 200 Clarendon Street, Boston, MA 02116.
Date of the Event: April 18, 1986.
Description of the Event: To participate in Charles River Associates' Fourth Annual Antitrust Conference in Boston, Massachusetts.
Commissioners Attending: N/A.
Other Employee(s) Attending: Thomas Spavins, Deputy Chief—Office of Plans & Policy.

Amount of Reimbursement:
Transportation.....$128.00
Subsistence.....0
Other Expenses.....$87.25
Total.....$215.25

Sponsoring Organization: Bell South Corporation, 1819 L Street NW., Suite 1000, Washington, DC 20036.
Date of the Event: October 15–16, 1985.
Description of the Event: Participate in a "Management Forum" in Atlanta, Georgia.
Commissioners Attending: N/A.
Other Employee(s) Attending: Thomas Spavins, Deputy Chief—Office of Plans & Policy.

Amount of Reimbursement:
Transportation.....$210.00
Subsistence.....$85.65
Other Expenses.....$57.10
Total.....$352.75

Sponsoring Organization: NATPE, International, 342 Madison Avenue, Suite 933, New York, NY 10173.
Date of the Event: January 17–21, 1986.
Description of the Event: To participate in the annual NATPE convention in New Orleans, Louisiana.
Commissioners Attending: N/A.
Other Employee(s) Attending: James McKinney, Chief, Mass Media Bureau.

Amount of Reimbursement:
Transportation.....$277.00
Subsistence.....$225.00
Other Expenses.....$34.10
Total.....$536.10

Sponsoring Organization: Competitive Telecommunications Association, 308 East Capitol Street, Suite 10, Washington, DC 20003.
Date of the Event: October 6–7, 1985.
Description of the Event: To participate in a panel discussion on telecommunications issues at the Comptel Seminar in Miami, Florida.
Commissioners Attending: N/A.
Other Employee(s) Attending: John Cimko, Jr., Chief, Tariff Division—Common Carrier Bureau.

Amount of Reimbursement:
Transportation.....$220.00
Subsistence.....$75.00
Other Expenses.....$32.88
Total.....$327.88

Sponsoring Organization: GTE Service Corporation, P.O. Box 2600, Irving, Texas 75062.
Date of the Event: March 12–14, 1986.
Description of the Event: Training session on how to file tariffs pursuant to Part 61 of the Commission's Rules in Dallas, Texas.
Commissioners Attending: N/A.
Other Employee(s) Attending: James Lichford, Public Utilities Specialist—Common Carrier Bureau.

Amount of Reimbursement:
Transportation.....$178.00
Subsistence.....$153.75
Other Expenses.....$22.00
Total.....$353.75

Sponsoring Organization: Broadcast Financial Management Association, 701 Lee Street, Suite 1010, Des Plaines, IL 60016.
Date of the Event: April 27–30, 1986.
Description of the Event: To attend the Broadcasters Financial Management Annual Convention in Los Angeles, California.
Commissioners Attending: N/A.
Other Employee(s) Attending: Daniel Brenner, Senior Advisor to Chairman Fowler.

Amount of Reimbursement:
Transportation.....$304.00
Subsistence.....0
Other Expenses.....$20.00
Total.....$324.00

Sponsoring Organization: Nevada Telephone Association, P.O. Box 70670, Reno, Nevada 89570.
Date of the Event: May 14–15, 1986.
Description of the Event: To give a speech at the Telecommunications Conference in Las Vegas & Reno, Nevada.
Commissioners Attending: N/A.
Other Employee(s) Attending: James Schlichting, Attorney Adviser—Common Carrier Bureau.

Amount of Reimbursement:
Transportation.....$370.00
Subsistence.....$288.00
Other Expenses.....$30.00
Total.....$688.00

Sponsoring Organization: Oregon Independent Telephone Association, 555 Union Street NE., Salem, Oregon 97301.
Date of the Event: May 9, 1986.
Description of the Event: Speaker at the OITA Annual Meeting in Warm Springs, Oregon.
Commissioners Attending: N/A.
Other Employee(s) Attending: Albert Halprin, Chief, Common Carrier Bureau.

Amount of Reimbursement:
Transportation.....$278.00
Subsistence.....$187.50
Other Expenses.....$25.00
Total.....$490.50

Sponsoring Organization: Mountain Bell, 400 Tijeras NW., Station 731, Albuquerque, New Mexico 87102.
Dates of the Event: June 15–18, 1986.
Description of the Event:To speak at the 1986 Western Conference of Public Service Commissioners meeting in Santa Fe, New Mexico.
Commissioners Attending: N/A.
Other Employee(s) Attending: Bill Maher, Attorney Adviser—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$372.00
Subsistence.....$150.00
Other Expenses.....$101.38
Total.....$623.38

Sponsoring Organization: Bell Atlantic, 1133 Twentieth Street NW., Suite 810, Washington, DC 20036.
Date of the Event: May 16, 1986.
Description of the Event: To speak at Bell Atlantic Conference in Atlantic City, New Jersey.
Commissioners Attending: N/A.
Other Employee(s) Attending: Jerald Fritz, Chief of Staff—Office of the Chairman.
Amount of Reimbursement:
Transportation.....$138.00
Subsistence.....—0—
Other Expenses.....—0—
Total.....$138.00

Sponsoring Organization: Northern Telecom Inc., 2100 Lakeside Blvd., Richardson, TX 75081–1599.
Dates of the Event: May 15–16, 1986.
Description of the Event: To speak at the 1986 Northern Telecom Conference in San Francisco, California.
Commissioners Attending: N/A.
Other Employee(s) Attending: Thomas Sugrue, Chief, Policy & Program Planning Division—Common Carrier Bureau.
6Amount of Reimbursement:
Transportation.....$410.00
Subsistence.....$225.00
Other Expenses.....$20.00
Total.....$655.00

Sponsoring Organization: North Carolina Telephone Association, Inc., 3717 National Drive, Suite 105, Raleigh, NC 27612.
Date of the Event: May 15, 1986.
Description of the Event: Speak at the North Carolina Telephone Association in Greensboro, North Carolina.
Commissioners Attending: N/A.
Other Employee(s) Attending: Colleen Boothby, General Attorney—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$266.00
Subsistence.....$74.00
Other Expenses.....$25.00
Total.....$365.00

Sponsoring Organization: United States Telephone Association, 900 19th Street NW., Suite 800, Washington, DC 20006.
Date of the Event: May 20, 1986.
Description of the Event: Participating in the USTA Eastern Telecommunications Showcase Seminar on Computer III in Atlanta, Georgia.
Commissioners Attending: N/A.
Other Employee(s) Attending: Albert Halprin, Chief, Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$218.00
Subsistence.....$86.20
Other Expenses.....$51.00
Total.....$355.20

Sponsoring Organization: Society of Cable Television Engineers, Inc., P.O. Box 2389, West Chester, PA 19382.
Dates of the Event: June 12–15, 1986.
Description of the Event: Attending and participating in workshops held at the Annual Technical Conference (Cable-Tec Expo '86) of the Society of Cable Television Engineers (SCTE) in Phoenix, Arizona.
Commissioners Attending: N/A.
Other Employee(s) Attending: Sydney Bradfield, Supervisory Electronics Engineer—Mass Media Bureau.
Amount of Reimbursement:
Transportation.....$390.00
Subsistence.....$225.00
Other Expenses.....0
Total.....$615.00

Sponsoring Organization: United States Telephone Association, 900 19th Street NW., Suite 800, Washington, DC 200006.
Date of the Event: June 9, 1986.
Description of the Event: Speak at the Southeastern Assocaiton of Regulatory Utilities Commissioners in Biloxi, Mississippi.
Commissioners Attending: N/A.
Other Employee(s) Attending: Ann Stevens, Supervisory General Attorney—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$198.00
Subsistence.....$100.00
Other Expenses.....$75.00
Total.....$373.00

Sponsoring Organization: Shack, Buenzkle & Hill, 1140 Connecticut Avenue, Suite 1005, Washington, DC 20036.
Date of the Event: June 8, 1986.
Description of the Event: To speak at the Associated Telephone Answering Exchange, Inc. (ATAE) annual meeting in Nashville, Tennessee.
Commissioners Attending: N/A.
Other Employee(s) Attending: David Siddall, Attorney Adviser—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$282.00
Subsistence.....$80.00
Other Expenses.....$32.15
Total.....$394.15

Sponsoring Organization: Bell Tri-Co Services, 1600 7th Avenue, Room 1203, Seattle, WA 98191.
Date of the Event: June 24, 1986.
Description of the Event: Conduct a one-day training session on the process of filing tariffs for staff of US West in Seattle, Washington.
Commissioners Attending: N/A.
Other Employee(s) Attending: Judith Nitsche, Supervisory Public Utilities Specialist—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$360.00
Subsistence.....$225.00
Other Expenses.....$70.00
Total.....$655.00

Sponsoring Organization: Bell Atlantic, 1133 Twentieth Street NW., Suite 810, Washington, DC 20036.
Date of the Event: June 19, 1986.
Description of the Event: To speak at the Bell Atlantic Public Relations Conference in Charlottesville, Virginia.
Commissioners Attending: N/A.
Other Employee(s) Attending: Susan O'Connell, Attorney Advisor—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$129.00
Subsistence.....$75.00
Other Expenses.....$50.00
Total.....$254.00

Sponsoring Organization: Pennsylvania Independent Telephone Association, 212 Locust Street, Suite 404, Harrisburg, PA 17108.
Date of the Event: June 25, 1986.
Description of the Event: To speak to the Pennsylvania Independent Telephone Association (PITA) membership at Seven Springs Mountain Resort in Champion, Pennsylvania.
Commissioners Attending: N/A.
Other Employee(s) Attending: James Schlichting, Attorney Adviser—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$82.00
Subsistence.....$75.00
Other Expenses.....0
Total.....$157.00

Sponsoring Organization: Bell Atlantic, 1133 Twentieth Streert NW., Suite 810, Washington, DC 20036.
Date of the Event: June 24, 1986.
Description of the Event: To speak at a seminar on Separation, Settlements and Access Charges sponsored by Bell Atlantic in Philadelphia, Pennsylvania.
Commissioners Attending: N/A.
Other Employee(s) Attending:
Normandie Holmes, Public Utilities Specialist—Common Carrier Bureau.
Michael Wilson, Supervisory Auditor—Common Carrier Bureau.
Amount of Reimbursement:
Transportation.....$99.00
Subsistence.....0
Other Expenses.....$56.80
Total.....$155.80

Sponsoring Organization: Utilities Telecommunications Council, 1150 17th Street NW., Suite 1000, Washington, DC 20036.
Date of the Event: June 22–26, 1986.
Description of the Event: To attend annual meeting with Utilities Telecommunications Council (UTC) in Kansas City, Missouri.
Commissioners Attending: N/A.
Other Employee(s) Attending: Frederick Day, Supervisory Attorney Adviser—Private Radio Bureau.
Amount of Reimbursement:
Transportation.....$218.00
Subsistence.....$50.00
Other Expenses.....0
Total.....$268.00

Sponsoring Organization: Delaware Broadcaster's Association, Inc., Route 1—Box 559, St Michaels, Maryland 21663.
Date of the Event: June 19–21, 1986.

Description of the Event: Participate in the Maryland/Washington, DC/Delaware Broadcasters Convention in Ocean City, MD.
Commissioners Attending: Commissioner Mimi Weyforth Dawson.
Other Employee(s) Attending: John Kamp, Attorney Adviser—Office of Congressional and Public Affairs.
Amount of Reimbursement:
Transportation.....$127.10
Subsistence.....$225.00
Other Expenses.....$20.00
Total.....$372.10
Sponsoring Organization: EMF Foundation, 53 Chemin Des Hauts-Crets, Ch–1223 Cologny/Geneve, Switzerland.
Date of the Event: February 1–6, 1986.
Description of the Event: To participate in EMF Foundation's World Economic Forum in Zurich, Switzerland.
Commissioners Attending: Chairman Mark Fowler.
Other Employee(s) Attending: N/A.
Amount of Reimbursement:
Transportation.....$1,555.00
Subsistence.....$305.50
Other Expenses.....0
Total.....$1,860.50
Sponsoring Organization: The Gleaner Company, LTD, 7 North Street, P.O. Box 40, Kingston, Jamaica—West Indies.
Date of the Event: November 17–18, 1985.
Description of the Event: To speak at function sponsored by The Gleaner Company Ltd on FCC operations in Kingston, Jamaica.
Commissioners Attending: N/A.
Other Employee(s) Attending: Thomas Herwitz, Legal Assistant—Office of Chairman Fowler.
Amount of Reimbursement:
Transportation.....498.00
Subsistence.....229.00
Other Expenses 0
Total.....727.00
Sponsoring Organization: Friedman, Leads, Shorenstein and Armenakis, Attorneys at Law, 655 Third Avenue, New York, NY 10017.
Date of the Event: June 9, 1986.
Description of the Event: To address the New York Chapter of the Federal Communications Bar Association in New York City.
Commissioners Attending: N/A.
Other Employee(s) Attending: Jack Smith, General Counsel.
Amount of Reimbursement:
Transportation.....181.00
Subsistence 0
Other Expenses 0
Total.....181.00
Sponsoring Organization: Mr. Peter Huber, P.C., 103 8th Street NE., Washington, DC 20002.
Date of the Event: May 15–16, 1986.
Description of the Event: To observe a voice storage and retrieval system in St. Louis, Missouri.
Commissioners Attending: N/A.
Other Employee(s) Attending: Florence Setzer, Industry Economist—Office of Plans & Policy.
Amount of Reimbursement:
Transportation.....230.00
Subsistence.....80.00
Other Expenses.....16.00
Total.....326.70
Sponsoring Organization: Communications Magazine, 6530 South Yosemite, Englewood, Colorado 80111.
Date of the Event: April 23, 1986.
Description of the Event: To participate in the National Land Mobile Exposition in Las Vegas, Nevada.
Commissioners Attending: N/A.
Other Employee(s) Attending:
Robert Foosaner, Chief, Private Radio Bureau
Riley Hollingsworth, Supervisory General Attorney—Private Radio Bureau
Amount of Reimbursement:
Transportation.....881.50
Subsistence.....638.00
Other Expenses.....87.76
Total.....1,607.26

Federal Communications Commission.
William J. Tricarico
Secretary.
[FR Doc. 86–17985 Filed 8–8–86; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212–010286–009
Title: Italy-U.S.A. North Atlantic Pool Agreement
Parties:
Costa Container Lines
Farrell Lines, Inc.
Jugolinija
Medamerica Express Service
Nedlloyd Lines
Sea-Land Service, Inc.
Zim Israel Navigation Co., Ltd.
Synopsis: The proposed amendment would revise the amounts to be paid into the common fund by agreement members whose pool freight earnings exceed their maximum pool shares.

Agreement No.: 224–010720–002
Title: Port of Palm Beach Terminal Agreement
Parties: Port of Palm Beach District CHO Properties, Inc.
Synopsis: The proposed amendment would modify and restate the minimum annual wharfage fee provisions of the agreement, with all other terms and conditions remaining in force.

By Order of the Federal Maritime Commission.
Dated: August 6, 1986.
Joseph C. Polking,
Secretary.
[FR Doc. 86–17968 Filed 8–8–86; 8:45 am]
BILLING CODE 6730-01-M

Inactive Tariffs—Bureau of Tariffs; Intent to Cancel

The foreign commerce files of the Federal Maritime Commission contain numerous tariffs which have been classified as inactive due to (1) the Commission staff's inability to contact the tariff filers at the addresses shown on the tariffs; or (2) advice from the carrier or its agent that the tariffs no longer cover a common carrier service and the failure of the carrier to cancel the tariff(s) upon written request. The tariff publications of the following carriers, including their last known address as indicated by their tariffs, fall into the inactive category:

Carrier	Tariff
Adamello Lines, Inc., c/o P & B Steamship Agencies, Inc., 3785 N.W. 82nd Avenue, Suite 104, Miami, Florida 33166.	FMC No. 2.
Arnaut Express, Inc., 225 Broadway, New York, New York 10017.	FMC No. 1.
Alfa Line Ltd., 838 N.E. 1st Avenue, Miami, Florida 33132.	FMC No. 5.
Allied Shipping Co. Inc., d/b/a Allied Lines, 3785 NW 82nd Ave., Suite 104, Miami, Florida 33166.	FMC No. 1.
Alpha Lines, Inc., 7927 Jones Branch Drive, McLean, Virginia 22102.	FMC No. 1.
American Coastal Line Joint Venture, Inc., 395 Broadway—12th Floor, New York, New York 10007.	FMC Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.
American Shipping Company, Inc., S.A., 7809 N.W. 72nd Avenue, Medley, Florida 33166.	FMC No. 6.
Banpet International Inc., 354 South Spring Street, Los Angeles, California 90013.	FMC No. 1.
Barlovento Line, Inc., 3701 N.W. South River Drive, Miami, Florida 33142.	FMC No. 1.
Benovi Line S.A., 3611 N.W. South River Drive, Miami, Florida 33142.	FMC No. 1.
Bestway Ocean Express Transport, Inc., 515 River Road, Clifton, New Jersey 07014.	FMC No. 1.
Carib Transport Ltd., 3163 N.W. South River Drive, Miami, Florida 33142.	FMC No. 2.
Carmindale Shipping and Trading, S.A., 1240 South East, No. 10 Court, Hialeah, Florida 33142.	FMC No. 1.
Central Marine Lines, Inc., P.O. Box 15169, 2333 Tchoupitoulas Street, New Orleans, Louisiana 70130.	FMC Nos. 1, 2, 3, 5, 7.

Carrier	Tariff
Columbus Line Container Service, 2323 South Voss Road, #100, Houston, Texas 77057.	FMC No. 1.
Compagnie Maritime D'Affetement, c/o CMA, 17 Battery Place, New York, New York 10004.	FMC Nos. 2, 7, 9, 10, 11, 12, 13, 14.
Consolidado Nautico S.A., 3233 N.W. 38th Street, Miami, Florida 33142.	FMC No. 1.
Contract Marine Carriers, Inc., 501 South 14th Street, Richmond, Virginia 23219.	FMC Nos. 1, 2, 5, 6, 10, 11.
Doma Export Company, 215 East Kinney Street, Newark, New Jersey 07105.	FMC No. 1.
Dominicana Shipping Company, 1257 St. Nicholas Avenue, New York, New York 10032.	FMC No. 1.
EKL Line, E and L Building, 444 T MW Street, Ermita, Manila, Philippines.	FMC No. 1.
Gull International Shipping & Chartering, Inc., d/b/a Caribbean Marine Services, 3829 Veterans Boulevard, Suite 201, Metairie, Louisiana 70002.	FMC Nos. 1, 2.
Halla Maritime Corporation, One Market Plaza, Steuart Tower, Suite 1006, San Francisco, California 94105.	FMC No. 2.
Imex Shipping Inc., P.O. Box 5169, Newark, New Jersey 07105.	FMC No. 1.
Interports Line Ltd., P.O. Box 650051, Miami, Florida 33165.	FMC No. 1.
IPS Med-Gulf, Inc., 160 Broadway, New York, New York 10038.	FMC No. 1.
Kosta International Corp., 2031 N.W. 89th Place, Miami, Florida 33172.	FMC No. 1.
Manila Cargo Express Consolidators, 240 Berry Street, San Francisco, California 94104.	FMC No. 1.
Mer-Line Shipping Company, P.O. Box 60504 AMF, Houston, Texas 77205.	FMC No. 1.
Merengue Lines, Inc., 3701 N.W. South River Drive, Miami, Florida 33142.	FMC No. 1.
Miami-Caicos Shipping Limited, 2974 N.W. North River Drive, Miami, Florida 33142.	FMC No. 1.
Nigeria America Line, One World Trade Center, New York, New York 10048.	FMC Nos. 5, 6, 11, 12, 13.
Nordic Shipping Corp., 505 North Belt., Suite 320, Houston, Texas 77060.	FMC No. 1.
Ocean Lines N.V. Inc., 200 North Loop West, P.O. Box 7527, Houston, Texas 77270.	FMC No. 2.
Olympic Steamship, Inc., P.O. Box 52367, San Juan, Puerto Rico 00903.	FMC No. 1.
Omega Ocean Carriers, Inc., 216 North Sycamore Street, Petersburg, Virginia 23803.	FMC No. 1.
P&M Line, 165515 Hedgecroft, Suite 306, Houston, Texas 77060.	FMC No. 1.
Pacific Motor Trucking Company, 1766 El Camino Real, Burlingame, California 94070.	FMC No. 1.
Pep Line Ltd., 1642 International Trade Mart, New Orleans, Louisiana 70130.	FMC No. 1.
Rainbow Express Inc., P.O. Box 3980, Carolina, Puerto Rico 00628.	FMC No. 1.
Rotterdam Express Line, The, Div. of World Shipping, Ltd., 35 E. Wacker Drive, Chicago, Illinois 60601.	FMC No. 1.
Roy L. Hendricks & Company, 1241 Arlington Road, Jacksonville, Florida 32211.	FMC No. 1.
Rush International Corporation, P.O. Box 52251, Houston, Texas 77052.	FMC No. 2.
Rush International Corporation, c/o Ocean International Corporation, 314 Texas Avenue, 15th Floor, Houston, Texas 77002.	FMC No. 2.
Seafreight Inc., P.O. Box 10358, Chicago, Illinois 60610.	FMC No. 2.
Shipco Ocean Services, 9460 Clinton Dr., Building 52, Houston, Texas 77029.	FMC No. 1.
Shippers Management International, Inc., 4647 Long Beach Blvd., Long Beach, California 90805.	FMC No. 1.
Shoyo Shipping Co., Ltd., 3992 San Rafael Avenue, Los Angeles, California 90065.	FMC No. 1.
South Sea Shipping Corp., 612 E. Grassy Sprain Road, Yonkers, New York 10710.	FMC Nos. 1, 2, 3, 4.
States Africa Line, Inc., c/o US. Maritime Agencies, 40 Rector Street, Suite 1505, New York, New York 10006.	FMC Nos. 1, 2.
Strachan World Services, c/o Strachan Shipping Company of Texas, P.O. Box 52490, Houston, Texas 77052-0490.	FMC No. 1.
TMS Line, 2100 Travis Street, Suite 515, Houston, Texas 77002.	FMC No. 2.
Tank Traffic America, Inc., P.O. Box 60741 AMF, Houston, Texas 77205.	FMC No. 1.
Trans Intermodal Transport, 1500 West 8th St., Los Angeles, California 90813.	FMC No. 1.
Trans-Caribbean Lines, Inc., 3301 N.W. South River Drive, Miami, Florida 33142.	FMC No. 12.
Trans-Caribbean Shipping, Ltd., 2nd Floor, 654 Sacramento Street, San Francisco, California 94111.	FMC No. 1.
Trans Viking International, Inc., 9659 Valverde Street, Houston, Texas 77063.	FMC No. 1.
Transnational Inc., c/o Load Line, Inc., Route 4, Box 1, Beaumont, Texas 77705.	FMC No. 1.
Transnational Inc., 2340 Triway Lane, Houston, Texas 77043.	FMC No. 1.
Transoceanic Container Corporation, 42 Broadway, New York, New York 10004.	FMC No. 1.
Transrapid Line Ltd., 3233 N.W. 38th Street, Miami, Florida 33142.	FMC Nos. 1, 2.
Turk & Caicos Traders Limited, c/o Scandinavian Shipping Services N.V., 727 N.E. 3rd Avenue, Fort Lauderdale, Florida 33304.	FMC No. 1.
Universal Lines, Inc., 7809 N.W. 72nd Avenue, Medley, Florida 33166.	FMC No. 1.
Universal Shipping Agency, Inc., 5350 N.W. 77th Court, Suite 4, Miami, Florida 33166.	FMC No. 1.
Valmar De Navegacion, S.A., 7940 N.W. 60th Street, Miami, Florida 33166.	FMC No. 3.
Victoria Marine Shipping, Inc., 400 S.W. First Avenue, Miami, Florida 33130.	FMC No. 1.
Westchase Ocean Systems, 900 Richmond Ave., Suite 365, Houston, Texas 77042.	FMC No. 1.
World Shipping Line, Inc., 4942 West Rosecrans Avenue, Hawthorne, California 90250.	FMC No. 1.

Inactive tariffs reflect inaccurate information and serve no useful purpose in the Commission's active files. Accordingly, the Commission proposes to cancel the above listed tariffs in the absence of a showing of good cause why they should not be cancelled.

Now, therefore it is ordered, That the above carriers advise the Federal Maritime Commission's Director, Bureau of Tariffs at 1100 L Street NW., Washington, DC 20573, in writing within 30 days after the publication of this Order in the **Federal Register** of any reason why the Commission should not cancel their respective inactive tariffs;

It is further ordered, That a copy of this Order be sent by certified mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this Order will be cancelled;

It is further ordered, That this notice be published in the **Federal Register** and a copy thereof filed with any tariff cancelled pursuant to this notice.

This Order is issued pursuant to authority delegated by 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 86-17969 Filed 8-8-86; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Albers Dimetridazole Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Manna Pro Corp. covering use of Albers Dimetridazole Premix in manufacturing medicated turkey feed for prevention and control of blackhead and to stimulate growth and improve feed efficiency. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: August 21, 1986.

FOR FURTHER INFORMATION CONTACT: Vitolis Vengris, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Manna Pro Corp., P.O. Box 92959, Los Angeles, CA 90009, is sponsor of NADA 36-826 providing for Albers Dimetridazole Premix, which is used for manufacturing medicated turkey feed for prevention and control of blackhead and to stimulate growth and improve feed efficiency. The application was originally approved on January 10, 1968. In a letter dated April 2, 1986, the sponsor requested withdrawal of approval of the NADA because the drug product is no longer being marketed. The sponsor also waived an opportunity for a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 **WITHDRAWAL OF APPROVAL OF APPLICATIONS** (21 CFR 514.115), notice is given that approval of NADA 36-826 for Albers Dimetridazole Premix is hereby withdrawn, effective August 21, 1986.

Dated: July 29, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-17958 Filed 8-8-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0288]

HemaScience, Inc.; Premarket Approval of the Autopheresis-C™ Plasmapheresis System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by HemaScience, Inc., Santa Ana, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Autopheresis-C™ Plasmapheresis System. After reviewing the recommendation of the Blood Products Advisory Committee, FDA's Center for Drugs and Biologics (CDB) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by September 10, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sharon Risso, Center for Drugs and Biologics (HFN-825), Food and Drug Administration, 8800 Rockville Pike, Rockville, MD 20892, 301-443-5433.

SUPPLEMENTARY INFORMATION: On April 1, 1985, HemaScience, Inc., Santa Ana, CA 92705, submitted to CDB an application for premarket approval of the Autopheresis-C™ Plasmapheresis System, indicated for collection of Source Plasma and Plasma by membrane filtration by automated methods.

On April 24, 1985, the Blood Products Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On March 24, 1986, CDB approved the application by a letter to the applicant from the Director of the Office of Biologics Research and Review, CDB.

A summary of the safety and effectiveness data on which CDB based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDB—contact Sukza Hwangbo (HFN-825), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 10, 1986, file with the Dockets Management Branch (**ADDRESS** above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Dated: August 2, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-17957 Filed 8-8-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86D-0287]

Label Statements Regarding FDA Approval; Availability of Compliance Policy Guide 7125.01

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide 7125.01 concerning the use of statements regarding FDA approval in labeling and advertising of approved new animal drugs.

ADDRESS: Requests for single copies of Compliance Policy Guide 7125.01 and any written comments may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Sending two self-addressed adhesive labels will assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: Andrew J. Beaulieu, Center for Veterinary Medicine (HFV-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3044.

SUPPLEMENTARY INFORMATION: Under section 301(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(1)), manufacturers of medical devices and human drugs are precluded from labeling, advertising, or promoting their products as approved by FDA. There is no similar statutory prohibition, however, concerning new animal drugs. FDA believes that the fact that a new animal drug is approved by the agency may be useful information to consumers. Accordingly, Compliance Policy Guide 7125.01 establishes agency policy for permitting manufacturers to convey to consumers that a new animal drug is, indeed, approved by FDA.

Compliance Policy Guide 7125.01 is designed to ensure that labeling and promotional material concerning whether a new animal drug is FDA approved are accurate and appropriate. For example, it would not be appropriate to represent a new animal drug as approved for an indication for which it is not approved. In order to assure that references are accurate and appropriate, the Compliance Policy Guide incorporates the requirements of 21 CFR 514.1(b)(3) and 514.8 (a) and (d), by providing that a manufacturer must submit a supplemental new animal drug application for any reference that appears on the labeling of a new animal drug and that relates to the product's approval status. The Compliance Policy Guide also provides for use of statements regarding new animal drug application approval in promotional material. Manufacturers must submit to FDA all promotional material for approved products at the time of initial dissemination of the information and must continue to submit all prescription animal drug advertising at the time of initial publication of the information (see 21 CFR 510.300).

Written comments and requests for single copies of Compliance Policy Guide 7125.01 may be sent to the Dockets Management Branch (address above). All inquiries and comments should refer to Docket No. 86D–0287. In accordance with 21 CFR 10.85(d) (3) and (i), any person may submit written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy.

The Compliance Policy Guide and all comments will be available for public examination at the Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Comments will be considered in determining if the Compliance Policy Guide requires further revision, now or in the future. However, the agency will not defer regulatory action, if needed, pending any such revision.

Dated: August 4, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–17955 Filed 8–8–86; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[BERC–377–PN]

Medicare Program; Medicare Economic Index

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice proposes to revise the Medicare economic index (MEI) to reflect a more accurate representation of changes in physicians' office space expenses. Since the MEI is cumulative, we would recompute the index base to its beginnings in calendar year 1971, in order to ensure that the index values for prospectively affected periods are accurately calibrated.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on September 25, 1986.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC–377–PNC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–377–PNC. Comments will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Bernard Patashnik, (301) 597–1334.

SUPPLEMENTARY INFORMATION:

I. Background

Payment under Medicare Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of: (1) The physician's actual charge for the service, (2) his or her customary charge for that service, or (3) the prevailing charges of physicians for similar services in the locality. The prevailing charge for a service, before adjustment by the MEI, is calculated at the 75th percentile of physicians' customary charges. Section 1842(b)(3) of the Social Security Act and our regulations at 42 CFR 405.504 require that the prevailing charge for a physician service in a locality not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

To accomplish this, we have established a MEI for the purpose of determining prevailing charge levels. The basis for this index is set forth in § 405.504(a)(3). The index is comprised of two components: one measuring changes in general earnings levels (attributable to factors other than changes in productivity) and the other measuring changes in expenses of the kind incurred by physicians in the practice of medicine. The physician practice expense portion is currently composed of six components: (1) Salaries and wages; (2) office space; (3) drugs and supplies; (4) automobile expense; (5) malpractice insurance premiums; and (6) all other, miscellaneous expenses.

Before enactment of the Deficit Reduction Act (DRA) of 1984 (Pub. L. 98–369), section 1842(b) of the Social Security Act (the Act) provided that the prevailing charge levels that are used to determine the Part B reasonable charges of physicians and suppliers must be updated at the beginning of each 12-month period beginning July 1 (commonly called the fee screen year, or FSY) to reflect charges for the calendar year preceding the update. However, section 2306(a) of the DRA provided that during the 15-month period beginning July 1, 1984 and ending September 30, 1985, the prevailing charge and customary charge levels for physician services must be limited to the levels set or recognized for the 12-month period beginning July 1, 1983. Section 2306(b) of the DRA, amended section 1842(b) to provide that the FSY update occur on October 1, 1985 instead of July 1, 1985, and on October 1 of all subsequent years, to reflect the actual charges for the April 1 through March 31 period preceding the update.

Subsequent legislation, including the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (Pub. L. 99–272), extended the 15-month freeze through April 30, 1986 for participating physicians, and through December 31, 1986 for physicians that do not participate in the Medicare program. COBRA also made other changes in the way Medicare pays for physicians' services. It provided that: (a) The preliminary charges for participating physicians' services, determined in accordance with the MEI that was published in the **Federal Register** on September 30, 1985, be increased by one percent during the May 1, 1986 through December 31, 1986 period; (b) beginning with January 1, 1987 prevailing charges for participating physicians be updated on January 1 of each year, to reflect the charges for the July 1 through June 30 period preceding the update; and (c) beginning with January 1, 1987, prevailing charges for nonparticipating physicians be updated on January 1 of each year to the level of the prevailing charges that were applicable to participating physicians' services in the preceding year. Accordingly, FSY 1987 will begin on January 1, 1987, and future FSYs will begin on each subsequent January 1.

II. Calculating the Medicare Economic Index

The Senate Finance Committee Report on Pub. L. 92–603 (1972 Amendments to the Social Security Act) explained that the MEI is intended to reflect inflationary trends accurately. See, generally, Senate Report No. 92–1230, 92 Cong. 2d Session (1972), pages 190–194. To obtain information on income and expenses, HCFA has in the past contracted for a national survey of 5,000 physicians. For the index that was published in the **Federal Register** on September 30, 1985 (50 FR 39941) we used an analysis of the data that

showed that the expenses of medical practice for self-employed physicians account for approximately 40 percent of the gross income of practice, and net income accounts for approximately 60 percent of gross income. We verified that the estimated physician practice expenses are approximately 40 percent of the gross income of practice with data from other sources.

Based on analysis of the data, we also calculated weights for each type of practice expense by determining the ratio of the expense of each element to total practice expenses. For example, the salaries and wages element (based on the Bureau of Labor Statistics' index of the hourly earnings of non-supervisory personnel in finance, insurance and real estate) account for 47 percent of all the practice expenses of a self-employed physician. The survey was based on a national probability sample of physicians, and the results are representative of the distribution of physicians in the United States.

III. The Medicare Economic Index is Overstated

The first MEI that was published in the **Federal Register** on June 16, 1975, and all subsequent MEIs have been overstated because of the use of inappropriate data in measuring changes in physicians' office space expenses and miscellaneous expenses. The Housing component of the Bureau of Labor Statistics' (BLS) Consumer Price Index-W Series for Urban Wage Earners and Clerical Workers (CPI–W) has been used as the proxy for physicians' office space expenses. The entire CPI–W (All Items) which include and is, therefore, affected by the Housing component, has been used as a proxy for physicians' miscellaneous practice expenses in calculating the MEI.

In January 1983, the Bureau of Labor Statistics introduced a change in the homeownership subcomponent of the Housing component of the CPI for All Urban Consumers (CPI–U). Beginning with that month, the homeownership subcomponent has reflected changes in a measure of rental equivalence rather than in the asset value of housing (that is, in house prices, mortgage rates, insurance, etc.) The CPI–W was similarly revised in January 1985.

The rental equivalence approach is intended to measure changes in "implicit rent"; that is, in the rental income the owners of housing units forego when they occupy housing themselves instead of renting it out. The Housing component of the CPI (both U and W series) therefore no longer reflects changes in house prices and mortgage rates. In addition, the Housing component that reflects rental equivalence is more appropriate for MEI purposes, since the average physician's office space expenses are not directly affected by current changes in house prices and interest rates.

IV. Proposed Recomputation of the Medicare Economic Index

A. Proposed Recomputation

The MEI for a given period is established by determining the appropriate increase over the index value for a prior period. It is, therefore, a cumulative index whose values are affected by previous MEI calculations. Thus, there is a need to restate the MEIs for past periods using more appropriate data, as well as to ensure the use of appropriate data for the future. It is appropriate to calculate future MEIs to reflect the more accurate CPI proxies for physicians' office space and miscellaneous expenses by using the revised Housing component of the CPI and the revised CPI (All Items). However, the previous MEI calculations will need to be restated as explained above.

The use of the most accurate and appropriate data available is implicit in any statutory provision such as the fourth sentence of section 1842(b)(3) of the Medicare law, which permits increases above carrier prevailing charge levels for the year ending June 30, 1973 only on the basis of appropriate economic index data that justify the increases. It is also consistent with Medicare's practice of computing each new MEI on the basis of the previous MEI, restated to reflect BLS and other data that have become available since the previous index was published.

We, therefore, propose that the MEI be revised to reflect physicians' office space expenses and miscellaneous expenses more accurately.

B. Data To Be Used

The data to be used for this purpose will be derived, in part, from a CPI–U–XI series, which was one of several measures BLS developed to demonstrate the effect different homeownership concepts and techniques could have on the CPI–U. In the CPI–U–XI series, the CIP–U homeownership subcomponents of the Housing component, that reflected homeownership expenses (house prices, mortgage interest, property taxes, and insurance, maintenance and repairs) were replaced by a single measure of change that reflected the price movement of the U.S. residential rent index (a BLS index that measures changes in residential rents).

The CPI–U–XI series, based on this "rent substitution" technique, is the direct antecedent of the rental equivalence method BLS has adopted. A similar experimental version of the CIP–W was not created by BLS, and is, therefore, not available for use in the MEI. The BLS discontinued the experimental CPI–U–XI series in 1983, since it had served its purpose and had been replaced by the use of rental equivalence in the CPI–U.

We propose that all previous MEI calculations be restated using the rates of change in (a) the U.S. residential rent index as the MEI proxy for physicians' office space expenses and the CPI–U–XI (All Items) as the MEI proxy for physicians' miscellaneous expenses for periods before the CPI–U reflected rental equivalence, and (b) the Housing component of the CPI–U and the CPI–U (All Items) for subsequent periods. We also propose that the rates of change in the Housing component of the CPI–U and in the CPI–U (All Items) be used in subsequent MEI calculations.

It should be noted that although the CPI–U–XI rose more slowly than the CPI–U from mid-1977 until mid-1982 (when interest rates were rising rapidly), it rose more rapidly than the CPI–U beginning in mid-1982. Thus, the change to use of a measure of rental equivalence may have the effect of increasing or decreasing the MEI calculation for any given period, in comparison with what the calculation would have been if the former measure of homeownership costs had been retained.

Table I illustrates how the revised index methodology would have affected the MEI that was published in the **Federal Register** on September 30, 1985 (50 FR 39941), and the previous MEIs. Lines 2 and 5 on tables II and III illustrate how the information in Tables A and B in the MEI notice that was published in the **Federal Register** on September 30, 1985 would be changed under the proposed revised index methodology.

Based upon the revised methodology, we expect that the cumulative MEI will be about 2 percent lower than what it would have been at the time of the next prevailing charge update. The actual effect of this reduciton on physician prevailing charges is mitigated by section 9301 of Pub. L. 99–272, which moved the MEI update from October 1, 1986 to January 1, 1987 and every January thereafter. The movement of the update from October 1, 1986 to January 1, 1987 will result in an MEI update based on 15 months of inflation rather than on 12 months of inflation. The

additional three months of inflation will partially offset the reduction in the MEI due to the revised methodology. As a result, we expect both the participating and non-participating physicians' prevailing charge levels will increase on January 1, 1987. The actual MEI for FSY 1987 (beginning January 1, 1987) will be calculated later this year based on the most recent data available at the time, and it will then be published in the Federal Register.

TABLE I.—EFFECT OF THE USE OF CPI RENTAL AND RENTAL EQUIVALENCE DATA

	Fee screen year—										
	1976	1977	1978	1979	1980	1981	1982	1983	1984 [1]	1985 [2]	1986 [1]
Actual MEIs published in Federal Register	1.179	1.276	1.357	1.426	1.533	1.658	1.790	1.949	2.063	([3])	2.128
Proposed MEI recalculations [3]	1.173	1.250	1.321	1.397	1.494	1.618	1.755	1.903	2.014	([3])	2.080

[1] Pursuant to Pub. L. 98-369 and subsequent legislation, the prevailing charges that were determined on the basis of the MEI for FSY 1984 were in effect for the period from July 1, 1983 through April 30, 1986 for participating physicians' services, and will remain in effect through December 31, 1986 for non-participating physicians' services.

[2] Not used.

[3] The proposed MEI recalculations would be used only in calculating the MEI for the year beginning on January 1, 1987 and for subsequent years. Medicare prevailing charge calculations for prior periods will not be retroactively revised.

BILLING CODE 4120-01-M

Table II.--COMPONENT VALUES OF THE ECONOMIC INDEX

			1971 Base Value	1974 Value	1975 Value	1976 Value	1977 Value	1978 Value	1979 Value	1980 Value	1981 Value	1982 Value	1984[1/] Value	1985[1/] Value
1.	Hourly earnings of nonsupervisory workers in finance, insurance, and real estate		3.22	3.77	4.06	4.27	4.54	4.89	5.27	5.79	6.31	6.78	7.38	7.70
2.	Housing component of the consumer price index	(As published in Federal Register on 9-30-85)	123.4	148.8	164.5	174.6	186.5	202.6	227.5	263.2	293.2	314.7	323.5	332.5
		(Revised values based on proposed MEI methodology)	157.7	178.7	188.0	198.2	210.1	224.5	240.9	262.3	285.0	306.7	326.2	339.7
3.	Private transportation component of the consumer price index		116.6	136.6	149.8	164.5	176.6	185.3	212.9	250.1	279.4	290.1	300.7	312.2

1/ Represents the 12-month period ending March 31 of the year indicated.

			1971 Base Value	1974 Value	1975 Value	1976 Value	1977 Value	1978 Value	1979 Value	1980 Value	1981 Value	1982 Value	1984[1/] Value	1985[1/] Value
4.	Drugs and pharmaceutical component of the producer price index		102.4	112.7	126.6	134.0	140.5	148.1	159.4	174.5	193.5	210.1	229.5	243.9
5.	All other, miscellaneous, expenses (tied to the entire consumer price index)	(As published in Federal Register on 9-30-85)	121.3	147.7	161.2	170.5	181.5	195.3	217.7	247.0	272.3	288.6	300.0	310.3
		(Revised values based on proposed MEI methodology)	129.1	155.6	168.4	178.0	189.3	202.3	221.7	246.5	270.0	286.6	301.7	313.9
6.	Premiums for malpractice insurance		-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
7.	Average weekly earnings of production and nonsupervisory workers		127.31	154.76	163.53	175.45	189.00	203.70	219.91	235.10	255.20	266.92	284.47	295.52
8.	Index of output per man-hour of employed nonfarm worker		89.7	92.9	94.8	97.8	100.0	100.6	99.0	98.3	99.8	100.0	104.3	106.5

1/ Represents the 12-month period ending March 31 of the year indicated.

Table III.--INCREASE VALUES OF THE COMPONENTS OF THE ECONOMIC INDEX

			Ratio[1/] of 1974 Values to 1971 Values	Ratio[2/] of 1975 Values to 1974 Values	Ratio[3/] of 1976 Values to 1975 Values	Ratio[3/] of 1977 Values to 1976 Values	Ratio[3/] of 1978 Values to 1977 Values	Ratio[4/] of 1979 Values to 1978 Values
1.	Hourly earnings of nonsupervisory workers in finance, insurance, and real estate		1.1708	1.0769	1.0517	1.0632	1.0771	1.0777
2.	Housing component of the consumer price index	(As published in Federal Register on 9-30-85)	1.2058	1.1055	1.0614	1.0682	1.0863	1.1229
		(Revised values based on proposed MEI methodology)	1.1337	1.0518	1.0541	1.0602	1.0686	1.0732
3.	Private transportation component of the consumer price index		1.1715	1.0966	1.0981	1.0736	1.0493	1.1489

1/ The weights, excluding the malpractice component, were derived from Medical Economics (November 20, 1972) and Profile of Medical Practice (1974 Edition). The values are 0.37, 0.14, 0.06, 0.09, and 0.34 for components one through five, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

2/ The weights, including the malpractice component, were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 Edition). The values are 0.37, 0.15, 0.07, 0.09, 0.28 and 0.04 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

3/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1977. The values are 0.43, 0.10, 0.05, 0.08, 0.27, and 0.07 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

4/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1980. The values are 0.44, 0.22, 0.06, 0.11, 0.04, 0.13 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

			Ratio[2] of 1974 Values to 1971 Values	Ratio[2] of 1975 Values to 1974 Values	Ratio[3] of 1976 Values to 1975 Values	Ratio[3] of 1977 Values to 1976 Values	Ratio[3] of 1978 Values to 1977 Values	Ratio[4] of 1979 Values to 1978 Values
4.	Drugs and pharmaceutical component of the producer price index		1.1006	1.1253	1.0585	1.0485	1.0541	1.0763
5.	All other, miscellaneous, expenses (tied to the entire consumer price index)	(As published in Federal Register on 9-30-85)	1.2176	1.0914	1.0577	1.0645	1.0760	1.1147
		(Revised values based on proposed MEI methodology)	1.2057	1.0821	1.0574	1.0633	1.0684	1.0961
6.	Premiums for malpractice insurance[5]		------	1.84	1.417	1.103	1.0085	.9210

2/ The weights, including the malpractice component, were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 Edition). The values are 0.37, 0.15, 0.07, 0.09, 0.28 and 0.04 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

3/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1977. The values are 0.43, 0.10, 0.05, 0.08, 0.27, and 0.07 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

4/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1980. The values are 0.44, 0.22, 0.06, 0.11, 0.04, 0.13 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

5/ Derived from a survey of several major insurers.

		Ratio[2/] of 1972 Values to 1971 Values	Ratio[2/] of 1975 Values to 1974 Values	Ratio[3/] of 1976 Values to 1975 Values	Ratio[3/] of 1977 Values to 1976 Values	Ratio[3/] of 1978 Values to 1977 Values	Ratio[4/] of 1979 Values to 1978 Values
7.	Average weekly earnings of production and nonsupervisory workers	1.2156	1.0567	1.0729	1.0772	1.0778	1.0796
8.	Index of output per man-hour of employed nonfarm workers	1.0357	1.0205	1.0316	1.0225	1.0060	.9841
9.	Change in average weekly earnings net of change in output per man-hour	1.1737	1.0355	1.0400	1.0535	1.0714	1.0970

2/ The weights, including the malpractice component, were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 Edition). The values are 0.37, 0.15, 0.07, 0.09, 0.28 and 0.04 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

3/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1977. The values are 0.43, 0.10, 0.05, 0.08, 0.27, and 0.07 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

4/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1980. The values are 0.44, 0.22, 0.06, 0.11, 0.04, 0.13 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

Table IIIa.--INCREASE VALUE OF THE COMPONENTS OF THE ECONOMIC INDEX

			Ratio[1/] of 1980 Values to 1979 Values	Ratio[2/] of 1981 Values to 1980 Values	Ratio[2/] of 1982 Values to 1981 Values	Ratio[2/] of 1985 Values to 1984 Values
1.	Hourly earnings of nonsupervisory workers in finance, insurance, and real estate		1.0987	1.0898	1.0745	1.0434
2.	Housing component of the consumer price index	(As published in Federal Register on 9-30-85)	1.1569	1.1140	1.0733	1.0278
		(Revised values based on proposed MEI methodology)	1.0885	1.0866	1.0762	1.0414
3.	Private transportation component of the consumer price index		1.1747	1.1172	1.0383	1.0382
4.	Drugs and pharmaceutical component of the producer price index		1.0947	1.1089	1.0858	1.0627
5.	All other, miscellaneous, expenses (tied to the entire consumer price index)	(As published in Federal Register on 9-30-85)	1.1346	1.1024	1.0599	1.0343
		(Revised values based on proposed MEI methodology)	1.1118	1.0953	1.0615	1.0404
6.	Premiums for malpractice insurance[3/]		1.0526	1.2357	1.1481	1.1627

1/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1981. The values are 0.43, 0.25, 0.07, 0.10, 0.04, 0.11 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

2/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982. The values are 0.47, 0.23, 0.07, 0.09, 0.04, 0.10 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

3/ Derived from a survey of several major insurers.

		Ratio[1/] of 1980 Values to 1979 Values	Ratio[2/] of 1981 Values to 1980 Values	Ratio[2/] of 1982 Values to 1981 Values	Ratio[2/] of 1985 Values to 1984 Values
7.	Average weekly earnings of production and nonsupervisory workers	1.0691	1.0855	1.0459	1.0388
8.	Index of output per man-hour of employed nonfarm workers	.9929	1.0153	1.0020	1.0211
9.	Change in average weekly earnings net of change in output per man-hour	1.0767	1.0691	1.0438	1.0173

1/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1981. The values are 0.43, 0.25, 0.07, 0.10, 0.04, 0.11 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earnings was used.

2/ The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982. The values are 0.47, 0.23, 0.07, 0.09, 0.04, 0.10 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physicians' earings was used.

BILLING CODE 4120-01-C

V. Regulatory Impact Analysis

A. Introduction

Executive Order (EO) 12291 requires us to prepare and publish an initial regulatory impact analysis for proposed notices such as this if the implementation of the notice would meet the criteria of a "major rule". A notice would be considered a major rule if its implementation would be likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, we prepare and publish an initial regulatory flexibility analysis, consistent with the Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 through 612), for proposed notices such as this unless the Secretary certifies that implementation of the notice would not have a significant economic impact on a substantial number of small entities. We treat all physicians as small entities for purposes of the RFA, and this notice therefore clearly would affect a substantial number of small entities. However, it is our practice not to consider an economic impact on small entities to be significant unless their annual total costs or revenues would be increased or decreased by at least 3 percent.

This restatement of the historically-based level of the economic index would result in substantial spending reductions by the Medicare program compared to the Part B expenditures we project would occur absent this change. We estimate that savings over the next five fiscal years (FYs) would be as follows:

	Savings
Fiscal year:	
1987	$28,000,000
1988	210,000,000
1989	320,000,000
1990	375,000,000
1991	425,000,000

Clearly, this would exceed the $100 million threshold established by E.O. 12291. Therefore, this proposed notice is a major rule and an initial regulatory impact analysis is required. However, FY 1987 cash benefit payments for the physicians' services to which the economic index applies are estimated to be nearly $20 billion. The annual savings are less than 2 percent; therefore, there would not be a significant impact on physicians.

The potential impact on physicians should be viewed in terms of the proportion of their gross incomes that they derive from Medicare, and the estimated magnitude of the impact the proposed change in the methodology will have on the MEI itself. It has been estimated that in 1981, Medicare accounted for 17 percent of all physicians' total gross incomes. It is unlikely that these proportions have changed very drastically since 1981. A physician could suffer an equivalent reduction in his potential total gross income only if: (a) All of the increase were "lost" because of the proposed change in the MEI methodology; and (b) the physician accepted assignment for all claims and derived all income solely from Medicare. This combination of factors is unlikely to occur for the vast majority of physicians.

The relative impact on the average annual income of physicians would not approach 3 percent per year. Therefore, we have determined, and the Secretary certifies, that this proposed change in the way in which the MEI is calculated would not have a significant economic impact on a substantial number of small entities. Accordingly, the following discussion, in combination with the other sections of this notice, constitutes an initial regulatory impact analysis, but is not an initial regulatory flexibility analysis.

B. Expected Outcomes

Most of the approximately 400.00 active non-Federal physicians treat some Medicare patients. Pediatricians and some other specialists treat relatively few, because their patient populations are drawn primarily from groups unlikely to be eligible for Medicare benefits. Certain other specialists, such as specialists in geriatric medicine, receive a large portion of their income for services furnished to Medicare beneficiaries.

There is no simple way to estimate the percentage of physicians whose charges are above prevailing charge levels. There are approximately 7,500 procedure codes in the payment system under which physicians can bill for services. A physician's charge may be above the prevailing charge level for some services and below it for others. For this reason, analyses have focused on the percentage of program payments determined by prevailing charges. According to Congressional Budget Office estimates, in 1984, for the country as a whole, 55 percent of reasonable charges were determined by prevailing charges. In a recent Office of Technology Assessment report, data from a study of Medicare payments in South Carolina in 1983 were reported. According to this study, 43.2 percent of approved charges for all specialities combined were determined by adjusted prevailing charges. This percentage varied with respect to individual specialties from 14.6 percent for ophthalmology to 59 percent for family practice.

Some physicians will therefore be impacted by the proposed change in the MEI method to a greater extent than others. Physicians who accept assignments of Medicare benefits and physicians who furnish services that are heavily utilized by Medicare beneficiaries will be more affected than others.

Although the projected Medicare savings represent monies that would otherwise have been paid for physicians' services, we do not expect individual physicians to experience, in comparision with proper periods, a decline in payments per service, or a reduction in total revenue solely because of the change in the MEI calculation method. Rather, we expect that the change will limit increases in the Medicare prevailing charges for FSY 1986 above the levels permitted by the MEI for fiscal year 1986.

The magnitude of the change on individual prevailing charges actually will be quite small, as is illustrated by Table I. The reduction in the MEI increase may affect the decisions of some physicians as to whether to particiapte or accept assignment on an individual case basis. Thus, there may be some effects on the out-of-procket expenses of beneficiaries who become liable for charges in excess of the Medicare program payment when there is no assignment. However, beneficiaries generally would be advantaged by this change whenever the physician accepts assignment, since this revision of the MEI would, in those cases, also limit the rate of increase of coinsurance liability.

C. Conclusion

As discussed above, we believe that any adverse impact resulting from this proposal would be widely dispersed. In any additional case, the effect of the proposed correction of the MEI would be relatively small. On the other hand, because the volume of services and aggregate program expenditures affected are large, the savings to the

Medicare program are substantial. We have concluded that to fail to correct the overstatement of the MEI would result in an indefinite continuation of unjustifiably high expenditures. Thus, our fiduciary responsibility for the Part B Trust fund requires us to propose this change. Further, since the MEI is used in conformance with a statutory requirement we have an obligation to calculate and use the MEI as correctly as possible.

VI. Paperwork Reduction Act of 1980

This proposed notice contains no information collection requriements. Consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 301 et seq.).

VII. Response to Comments

Because of the large number of comments we receive on proposed notices, we cannot acknowledge or respond to them individually. However, we will consider all coments and respond to them when we issue the Medicare economic index later this year.

(Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u); 42 C.F.R. 405.504)

(Catalog of Federal Domestic Assistance, Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 19, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: July 29, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-17899 Filed 8-8-86; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Services Administration

Application Announcement for Advanced Nurse Education Grants, Nurse Practitioner and Nurse Midwifery Grants, and Nursing Special Project Grants

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for the following nursing programs will be accepted in Fiscal Year 1987 and invites comments on proposed special considerations:

(1) Advanced Nurse Education Grants

(2) Nurse Practitioner and Nurse Midwifery Grants

(3) Nursing Special Project Grants

The Nurse Education Amendments of 1985 (Pub. L. 99-92) amends and extends sections 821, 822(a) and 820, and, further, the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) amends sections (820(d), 821(a), and 822(a), Title VIII, of the Public Health Service Act.

Funding is available for Fiscal Year 1986, but the Administration's budget request for Fiscal Year 1987 does not include funding for these programs.

Advanced Nurse Education Grants

Section 821 of the Public Health Service Act, and 42 CFR Part 57, Subpart Z, authorize assistance to meet the costs of projects to (a) plan, develop and operate, (b) expand, or (c) maintain programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education.

Section 821(a), as amended by Pub. L. 99-129, requires that the Secretary shall give priority in geriatric and gerentological nursing.

Eligible Applicants: Public and nonprofit private collegiate schools of nursing.

This program is listed at 13.299 in the Catalog of Federal Domestic Assistance.

Nurse Practitioner and Nurse Midwifery Grants

Section 822(a), of the Public Health Service Act, and 42 CFR Part 57, Subpart Y, authorize assistance to plan, develop and operate, expand or maintain programs for the education of nurse practitioners and nurse midwives.

in accordance with the statute, the Secretary will give special consideration to applications for grants for programs for the training of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for programs for the education of nurse practitioners which emphasize education with respect to the special problems of geriatric patients (particularly problems in the delivery of preventive care, acute and long-term care; including home health care and institutional care to such patients) and education to meet the particular needs of nursing home patients and patients who are confined to their homes.

Eligible Applicants: Public or nonprofit private schools of nursing, and public health, public or nonprofit private schools of medicine which received grants or contracts prior to October 1, 1985, or public or nonprofit private hospitals and other public or nonprofit private entities.

This program is listed at 13.298 in the Catalog of Federal Domestic Assistance.

Nursing Special Project Grants

Section 820 of the Public Health Service Act, and 42 CFR Part 57, Subpart T, authorize assistance in meeting the costs of special projects to carry out the following designated purposes:

(1) To increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary of Health and Human Services, by:

(A) Identifying, recruiting, and selecting such individuals,

(B) Facilitating the entry of such individuals into schools of nursing,

(C) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(D) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(E) Paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

(F) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(2) To provide continuing education for nurses;

(3) To provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(4) To demonstrate improved geriatric training in preventive care, acute care and long term care (including home health care and institutional care);

(5) To help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

(6) To provide training and education to upgrade the skills of licensed vocational practical or vocational nurses, nursing assistants, and other paraprofessional nursing personnel.

Under Pub. L. 99-92, funds appropriated for special project grants

are earmarked as follows: 20 percent for projects to increase education opportunities for individuals from disadvantaged backgrounds (which may include stipends) (Purpose 1); 20 percent to demonstrate improved geriatric training (Purpose 4); and 10 percent to help increase the supply or improve the distribution by geographic area or by specialty groups of adequately trained nursing personnel (Purpose 5). The remaining 50 percent of appropriated funds are for Purposes (2), (3) and (6).

Eligible Applicants: Public or nonprofit private schools of nursing or other public or nonprofit private entities.

This program is listed at 13.359 in the Catalog of Federal Domestic Assistance.

Application Deadlines

Three review cycles are held annually for Advanced Nurse Education Grants, Nurse Practitioner and Nurse Midwifery Grants, and Nursing Special Project Grants. The application deadline dates are November 1, March 1 and July 1.

Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

The standard application form and specific instructions for each of the above grant programs have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

For specific guidelines and information regarding these programs, contact:

Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C–26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–5786.

Questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6915.

These programs are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 45 CFR Part 100.

Proposed Special Considerations

Special considerations are proposed for a 30-day public comment period, as follows:

For *Advanced Nurse Education Grants* and for *Nurse Practitioner and Nurse Midwifery Grants*. Those applicants that indicate a clear, financial need, plan to sustain programs beyond the period during which Federal assistance is available, and have either a 3-year average enrollment of minority students in graduate nursing education in excess of the national average or have proposed new projects aimed at attracting minority students will receive special consideration. The current national average of graduate minority students in nursing is four percent.

Under *Special Project Grants*. Special consideration will be given to those projects under Purpose 1 (to increase nursing education opportunities for individuals from disadvantaged backgrounds) that propose to use at least 20 percent of grant funding as stipends given directly to nursing students.

Special consideration will be given to special projects under Purposes 1 through 6 that plan to continue beyond the period in which Federal funding is available and meet a clear, financial need.

Interested persons are invited to comment on the proposed special considerations. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1987 award cycle, this comment period has been reduced to 30 days. All comments received on or before September 10, 1986 will be considered before final special considerations are established. No funds will be allocated or final selections made until a final notice is published indicating the special considerations to be applied.

Written comments should be addressed to:

Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Rm. 5C–26, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Nursing, Bureau of Health Professions, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Dated: August 4, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86–17954 Filed 8–8–86; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting of Pulmonary Diseases Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute on October 23–24, 1986 at the National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 3, Bethesda, Maryland 20892.

The entire meeting, from 8:30 a.m. on October 23 to adjournment on October 24 will be open to the public. The Committee will discuss the current status of the Division of Lung Diseases' programs and Committee plans for fiscal year 1988. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21 National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Suzanne S. Hurd, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: August 4, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–17961 Filed 8–8–86; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Board of Scientific Counselors, Division of Cancer Prevention and Control, Cancer Control Science Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Science Subcommittee of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, August 21.

1986, Building 31, Conference Room 2, 9000 Rockville Pika, Bethesda, Maryland 20892. The entire meeting will be open to the public from 9:00 a.m. to adjournment, and the current and future programs of the Cancer Control Science Program will be discussed. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708), will provide summaries of meetings and rosters of subcommittee members upon request.

Mr. J. Henry Montes, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, Blair Building, Room 1A07, Bethesda, Maryland 20892, (301/427–8630) will furnish substantive program information.

Dated: August 4, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–17959 Filed 8–8–86; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; NCI Thyroid/Iodine–131 Assessments Committee, Division of Cancer Etiology; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the NCI Thyroid/Iodine-131 Assessments Committee, Division of Cancer Etiology on September 29–30, 1986, Building 31, A Wing, Conference Room 3, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. The meeting will be open to the public from 9:00 a.m.–5:00 p.m. both days. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708), will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the NCI Thyroid/Iodine-131 Assessments Committee, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–6927) will, furnish substantive program information.

Dated: August 4, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–17960 Filed 8–8–86; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Village of Minto Liquor Ordinance

July 22, 1986.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Village of Minto, Alaska is publishing a notice to inform the public of the adoption of a Liquor ordinance. The ordinance provides for a complete prohibition over the possession, use and distribution of alcohol within the Indian country under the jurisdiction of the Native Village of Minto. The Native Village of Minto has adopted this ordinance as a deterrent to criminal actions, accidental deaths and to promote the safety of its citizens.

EFFECTIVE DATE: This notice is effective August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Hazel E. Elbert, Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Room 4600, Bureau of Indian Affairs, 18th and C Streets, Washington, DC 20245, telephone (202) 343–2111.

SUPPLEMENTARY INFORMATION: In 1980, Alaska enacted a State local option law which authorized villages to conduct a local referendum on restricting alcohol (AS 04.11, 480–504, Ch 131 S.L.A., 1980). In July 1983, Minto voted in favor of a local option to ban importation of alcohol into the village. Generally, the village has found the local option to be a failure because State laws do not adequately address violations, therefore, the village is taking steps to control alcohol through its tribal system. It is expected the tribal system contemplated in the ordinance will meet with more success in dealing with alcohol related problems.

Native Village of Minto, Alaska; Ordinance Prohibiting the Introduction, Use Sale, and Distribution of Alcohol

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Minto Liquor Ordinance was duly adopted by the Village Council of Minto on February 14, 1985. The instant ordinance provides for the complete prohibition of alcohol within areas of Indian country under the jurisdiction of the Native Village of Minto. The ordinance reads as follows:

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

Code of Village Regulations, Minto, Alaska

Chapter 100—Definitions and Scope

10.01 *Enabling Action:* Pursuant to the authority granted to the Village Council under Article IV of the Bylaws of the Village of Minto, the Village Council enacts the following to the code of village regulations.

10.05 *Village Regulations, Purpose:* To set forth a code of village regulations that will govern the conduct of the people within the boundaries of the Minto Village so that no infringement will be made upon individual rights or the peace and dignity of the people, the village, and State of Alaska.

10.10 *Village Regulations:* Are the rules that all persons shall obey when within the boundaries of the Minto Village and Corporation land. Regulations shall be enacted by the council to protect the life, property, and welfare of the people and village. New rules may be enacted to the regulations by the council as the need arises.

10.15 *Minto Village Boundaries:* The boundaries of the Minto Village shall include all lands within the exterior boundary of lands selected under the Alaska Native Claims Settlement Act by Minto Village.

10.20 *Village Council:* For the purpose of these regulations, the village council shall mean the council members as provided under Article III of the Bylaws of the Village of Minto.

10.30 *Village Member:* A village member shall be as defined under Article II of the Bylaws of the Village of Minto and shall include all stockholders of the Minto Native Corporation. For purposes of law enforcement, a person need not reside in Minto.

10.40 *Village VPSO:* For the purposes of these regulations, the Village Public Safety Officer shall be a person appointed or so designated by the village council, and shall serve at the pleasure of the Council.

10.50 *Dry Village:* A dry village shall mean that no alcoholic beverages shall be transported to, sold or consumed by any person or persons within the boundaries of the Minto Village Corporation Land.

10.55 *Alcohol, or Intoxicating Beverages:* Shall include all forms of

alcohol or intoxicating beverages which are manufactured, sold, and commonly used for human consumption.

10.60 *Hallucinogenic Drugs and Substances:* Shall include all those drugs and substance which are illegal under state and federal laws.

10.65 *Possession:* Possession shall mean on his person, under his control, or on his property. It shall also mean on her person, under her control, or on her property.

10.70 *Weapons:* Weapons shall mean all rifles, shotguns, hand guns, knives, and bow and arrows, or any other instruments that are dangerous when used against or to the disavantage of any person or persons.

10.75 *Surface Vehicles:* Surface vehicles shall include all motor vehicles driven within the boundaries of the Minto Village Corporation Land.

10.80 *Speed:* Speed shall mean the rate of motion of any surface motordriven vehicle within the boundaries of the Minto Village Corporation Land.

10.85 *Summer Months:* Shall be from the last day of school in the Spring to the first day of school in the Fall.

10.90 *Minors:* Shall include all persons under the age of eighteen (18).

Code of Village Regulations, Minto, Alaska

Chapter 20—Liquor Control

Purpose of this regulation is to provide for a dry village as clearly mandated by the people in the form of a petition against the drug and alcohol abuse and the resulting disorder and problems which occur as a direct result of such abuse.

20.01 *Regulation:* No person or persons will transport to, or cause to be transported to the Village of Minto, intoxicating liquor for the purpose of selling or consuming such intoxicating liquor within the boundaries of the Minto Village.

20.05 *Possession:* No person or persons will possess by consumption or otherwise intoxicating liquor within the boundaries of the Minto Village.

20.10 *Complaint and Enforcement:* This chapter shall be enforced by the Minto Village Court system as a civil matter under section 90.20 of this Code. In addition, to village enforcement of this chapter, a person unlawfully introduces, possesses and/or sells intoxicating beverages contrary to the 18 U.S.C. 1161 (or any subsequently enacted law relating to State regulation of intoxicating beverages in Indian country) by: (a) Introducing, selling or possessing intoxicating beverages within the Indian country of the Village of Minto contrary to this chapter, and (b) such a determination is found pursuant to the tribal judicial code, and (c) said person fails to comply with a duly entered tribal court order. The Village Court System of Minto is hereby authorized to request federal enforcement of 18 U.S.C. 1161 (or any subsequently enacted federal regulation of intoxicating beverages in Indian country) in the event that this section is violated.

Certification

I, */s/ Carlos Frank, Sr.* Chief of the Native Village of Minto hereby certify that on *2-14-85*, the Minto Village Council adopted the above Code of Village Regulations.

/s/ Carlos Frank, Sr.,

Chief.

ATTEST: /s/ Norma L. Charli,

Secretary.

[FR Doc. 86-17965 Filed 8-8-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA-940-06-4212-13; CA 15566]

California; Exchange of Public and Private Lands in Riverside County and Opening Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and order opening lands acquired in this exchange.

SUMMARY: The purpose of this exchange was to acquire non-Federal land for use in Federal programs. It will provide improved and more efficient management of Federal land. The exchange was consistent with the Bureau's land management plans. The public interest was well served through completion of this exchange. The land acquired in this exchange will be open to the operation of the public land laws and to the full operation of the United States mining laws and mineral leasing laws.

FOR FURTHER INFORMATION CONTACT. Viola Andrade, California State Office, (916) 978-4815.

The United States issued an exchange conveyance document to DC Land Company on April 3, 1986, under the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), for the following described land:

San Bernardino Meridian, California

T. 2 S., R. 3 E.,
Sec. 11, Lot 1.
T. 2 S., R. 4 E.,
Sec. 18, Lots 1 and 2, SE¼NE¼, E½SE¼, S½NW¼SE¼, and SW¼SE¼.
Containing 387.11 acres of public land.

In exchange for these lands, the United States acquired the following described land from the DC Land Company:

San Bernardino Meridian, California

T. 2 S., R. 3 E.,
Sec. 13, W½;
Sec. 14, all.
Containing 960 acres of non-Federal land.

A cash payment in the amount of $7,000 has been paid to the United States by the DC Land Company to equalize values between the non-Federal land and the public land.

At 10 a.m. on September 10, 1986, the non-Federal lands described above shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 10, 1986, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on September 10, 1986, the non-Federal lands described above shall be open to applications under the United States mining laws and mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: August 1, 1986.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 86-17966 Filed 8-8-86; 8:45 am]

BILLING CODE 4310-40-M

[WY-040-06-4410-8]

Availability of Resource Management Plan Record of Decision and Rangeland Program Summary; Kemmerer Resource Area, Rock Springs District, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice that the Wyoming State Director has approved, in a Record of Decision (ROD), the Resource Management Plan (RMP) and issued the Rangeland Program Summary (RPS) for the Kemmerer Resource Area.

SUMMARY: The approved plan will be implemented on about 1.6 million acres of public land and about 1.8 million acres of Federal mineral estate. The ROD adopted the plan presented in the

final Environmental Impact Statement (EIS). This plan will guide management of the Kemmerer Resource Area.

Location of documents: The ROD and associated draft and final EIS's for the management plan and the RPS are available to the public upon request to: Alan Stein, Team Leader, Rock Springs District Office, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 18902–1869, Phone (307) 382–5350.

Public participation: The public was invited to participate in the planning process during issue identification, development of planning criteria, a 90-day comment period on the draft EIS, two public meetings on the draft EIS, and a 30-day protest period on the final EIS. No protests were received.

SUPPLEMENTARY INFORMATION: Six alternatives were analyzed in the EIS. Each alternative was a complete plan for managing the Resource Area. The alternatives resolved the issues in different ways and emphasized different resource uses.

The approved plan describes the multiple use objectives to be achieved and provides guidance to achieve the objectives. It provides the Area Manager with flexibility to exercise discretion, on a case-by-case basis, to develop mitigation to achieve the objectives of the RMP.

Progress toward accomplishing the objectives of the RMP will be monitored. The plan will be maintained to keep it current. It may be amended or revised if the situation in the Resource Area results in a need to consider changing multiple use objectives.

Hillary A. Oden,

State Director.

[FR Doc. 86–17152 Filed 8–8–86; 8:45 am]

BILLING CODE 4310-22-M

Minerals Management Service

Development Operations Coordination Document; Sohio Petroleum Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Sohio Petroleum Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 6572, Block 143, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 31, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m. Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Phone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated August 4, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–17967 Filed 8–8–86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Temporary Road Closure

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the entire length (12.1 miles) of the Soleduck Road in Olympic National Park, Washington, will be closed to all public vehicular tariffic while the road is being reconstructed. The purposes of such a closure is to expedite construction, reduce construction costs, protect park resources, and provide for visitor safeguards.

DATES: This action is effective as of October 5, 1986 and continues through May 20, 1988.

ADDRESSES: Copies of an Environmental Assessment describing the road reconstruction project are available upon request at the following location:

Superintendent, Olympic National Park, 600 East Park Ave., Port Angeles, Washington 98362.

FOR FURTHER INFORMATION CONTACT: Assistant Superintendent, John Teichert at the address given above; telephone (206) 452–4501, FTS 396–4213.

SUPPLEMENTARY INFORMATION: 36 CFR 1.5(b)

Robert S. Chandler,

Superintendent.

[FR Doc. 86–18032 Filed 8–8–86; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, September 20, 1986, at 1:00 p.m. at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by *Pub. L. 91–664* to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, DC
Ms. Polly Bloedorn, Bethesda, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Mr. Ted Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, DC
Mr. Barry Passett, Washington, DC
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Joan LaRock, Lovettsville, Virginia
Mr. Elise Heinz, Arlington, Virginia
Ms. Marjorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Old and new business
2. Superintendent's report
3. Committee reports; Plans and Projects Committee; Recreation Policies and Issues Committee; Resource Protection Committee
4. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historic Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: August 1, 1986.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 86-18033 Filed 8-8-86; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30873]

Soo Line Railroad Co.; Trackage Rights; Chicago and Northwestern Transportation Co.; Exemption

Chicago and Northwestern Transportation Company has agreed to grant overhead trackage rights to Soo Line Railroad Company between milepost 344.1 at Inver Grove and milepost 333.8 at Rosemont, MN. The trackage rights will be effective on July 29, 1986.

As a condition to use of this exemption any employee affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: August 1, 1986.

By the Commission, Jane F. Makall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-18013 Filed 8-8-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Law Enforcement Training and Technical Assistance Grants

AGENCY: Office for Victims of Crime, Office of Justice Programs, Department of Justice (DOJ).

ACTION: Notice of the availability of funds and request for applications for Law Enforcement Training and Technical Assistance Grants.

SUMMARY: Fiscal Year 1985 and fiscal year 1986 funds are available to provide regionally-based training and technical assistance to local and state law enforcement agencies in methods for responding to incidents of family violence. Office for Victims of Crime (OVC) anticipates that $550,000 will be available.

DATE: Applications for these funds must be received by September 2, 1986.

ADDRESS: Address applications to: The Office for Victims of Crime, National Victims Resource Center, 633 Indiana Avenue, NW., Washington, DC 20531. Attention: John Veen.

FOR FURTHER INFORMATION CONTACT: John Veen (202) 272-6500.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1984, the President signed into law the Child Abuse Amendments of 1984 (Pub. L. 98-457, 42 U.S.C. 10401 et seq.). Title III of these Amendments, entitled the "Family Violence Prevention and Services Act" (the Act), enumerates the agencies' responsibilities, pursuant to section 311 of the Act, "Law Enforcement Training and Technical Assistance Grants and Contracts." To carry out these responsibiltiies a transfer of funds from the Secretary of Health and Human Services to the Attorney General of the United States is underway.

The overall purposes of the Act are to assist states in efforts to prevent family violence, to provide immediate shelter and related assistance for victims of family violence and their dependents, to provide for technical assistance and training relating to family violence programs for state and local public agencies (including law enforcement agencies), nonprofit organizations, and other appropriate indivdiuals.

Section 311 of the Act provides for regionally-based training and technical assistance to personnel of local and state law enforcement agencies to prepare them with the means for responding to incidents of family violence. The Act states that "applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement offices" shall be given priority.

This announcement applies only to section 311 of the Act. Also, for the purposes of this program announcement, the term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which:

a. Results or threatens to result in physical injury; and

b. Is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

Statement of the Problem

The problem of family violence has existed for generations, yet it only recently has it begun to receive any degree of attention. In September 1984,

the Attorney General's Task Force on Family Violence issued its final report. The report contained a discussion of how a law enforcement agency is usually the first and often the only agency called upon to intervene in family violence incidents, and how, in a large number of law enforcement agencies around the country, calls involving family violence are usually given a low priority because police have traditionally reflected community attitudes which considered violence within the family a private, less serious matter than violence between strangers. It stated that:

> Police dispatchers and emergency call operators, carrying out the community's priorities and law enforcement agency practices, may often give the impression that a family violence call is a nuisance. Accordingly, minimal information is requested from the caller and the dispatcher or emergency call operator assigns it a low dispatch priority. Consequently, intervention by the patrol officer may be slow and inconsistent.

It further stated that:

> Once on the scene, the patrol officer generally focuses on the relationship between the family members rather than the crime committed by the abuser. Officers have been trained to mediate the situation without making an arrest, and, in some cases, no report is filed. Believing eventual formal prosecution uncertain, the responding officer may attempt to dissaude the victim from pressing charges or even filing report.

Family violence is a criminal activity that often results in serious injury and/or death. The F.B.I. reported that nearly 20 percent of all homicides in this country occur among family members. Testimony presented to the Attorney General's Task Force on Family Violence showed that "in one city, police had been called at least once before in 85 percent of spouse assault and homicide cases," and that "in 50 percent of these cases the police had responded five times to family violence incidents prior to the homicide."

To reduce this escalation of violence and prevent these frequently tragic consequences, the Attorney General's Task Force on Family Violence made several recommendations for the law enforcement community. Among the recommendations were that:

1. All law enforcement agencies should publish operational procedures that establish family violence as a priority respnose and require officers to file written reports on all incidents. In addition, the operational procedures should require officers to perform a variety of activities to assist the victim.

2. Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence.

3. Law enforcement officers should respond without delay to calls involving violations or protection orders.

4. Law enforcement officials should maintain a current file of all protection orders valid in their jurisdiction.

5. Federal, state, and local government agencies should train relevant personnel to diagnose and appropriately intervene in family violence cases.

These recommendations were made knowing that while some law enforcement agencies have made significant progress in responding to family violence incidents, many had not. Lack of progress among many law enforcement agencies was attributed to insufficient information regarding appropriate strategies or procedures needed in responding to family violence cases or strongly held attitudes and beliefs regarding the nature of family violence.

The Office of Justice Programs is issuing this program announcement to enhance the manner in which law enforcement agencies respond to family violence incidents.

Program Description

The grantee selected will be required to perform the following tasks:

1. Conduct a survey and collect current literature on family violence training, including visual aids, training curricula, training models, and existing training programs.

2. Develop model operational procedures that would require officers to:

- Process all complaints of family violence as reported criminal offenses.
- Presume that arrest, consistent with state law, is the appropriate response in situations involving serious injury to the victim, use or threatened use of a weapon, violation of a protection order, or other imminent danger to the victim. If an arrest is not made, the officer should clearly document his reasons in the incident report.
- Provide the victim and the abuser with a statement of victim's rights. The officer should inform both parties that any person who assaults a household member has violated the law. The officer should inform victims that they have the right to be protected from further assault and abuse, to press criminal charges against the abuser and obtain an order of protection from the court.
- Take a written statement from the victim in order to assist in the effective criminal prosecution of the offender.
- Complete a written report documenting the officer's observations of the victim, abuser, visible injuries, weapons present, and any other circumstances or facts significant to the abuse situation. When possible, the officer should photograph any personal injuries or property damage sustained by the victim.
- Interview the parties separately so that the victim can speak freely without being inhibited by the presence of the offender.
- Instruct the abuser to leave the premises. This should be the preferred action when an arrest is not made. If the victim chooses to leave the residence, the officer should standby and preserve the peace. The officer should remain at the home for a reasonable period of time to allow the victim to remove personal and necessary belongings.
- Inform the victim about a shelter or other appropriate victim assistance services if available in the community.
- Arrange or provide transportation for the victim to a shelter, medical treatment facility, or other appropriate assistance agency.
- Verify the existence of an order of protection at a central warrants unit if the offense involves the violation of such an order.
- Provide the victim with an information card that specifically notes the officer's name, badge number, report number and follow-up telephone number.

3. Develop a series of training video tapes, and trainers' guides which address, at a minimum, family violence situations commonly encountered by law enforcement officers. The tapes would depict various family violence incidents to which law enforcement officers commonly respond and would also depict the proper way to intervene. The trainer's guide would explain what procedures to use and why they are to be used.

4. Develop a series of training sessions (no fewer than 4) for chief executives of law enforcement agencies. The executive training sessions should focus on providing management with a clear understanding of the family violence problem and the need for well-trained personnel at every other level. The focus of this training should be on development of effective departmental policy and procedures in responding to family violence cases and on developing a better understanding of the problem. Training should be multidisciplinary in nature and should include shelter providers and domestic violence victims.

5. Develop a procedure for responding to requests for information and assistance from various law enforcement agencies. The procedure should outline and describe how individual technical assistance and information requests would be processed.

6. Develop and utilize a multidisciplinary advisory board for project activities.

Selection Criteria

The selection of the grantee will be based on:

1. Understanding of the problem.
2. Appropriateness of program design approach.
3. Soundness of methodology.
4. Financial and technical capability of the organization.
5. Cost effectiveness.
6. Accuracy and completeness of required information.
7. The expertise and background of the employees assigned to the effort.

Funds Available

Up to $550,000 will be available from the Office of Victims of Crime for the purpose of awarding one grant (cooperative agreement) in accordance with the provisions of Section 311 of the Act.

Grant Period and Award Amount

The award (cooperative agreement) will be for eighteen months and will cover 100% of the project costs (no matching funds required). The total award amount for this project will be a maximum of $550,000.

Eligible Applicants

Eligible applicants are private nonprofit organizations or governmental units which have experience in providing training and technical assistance on a national and/or regional basis to personnel of local and state law enforcement agencies related to the prevention of and response to family violence incidents.

Submission Deadlines

Applications must be submitted by September 2, 1986. Applications which are hand delivered must be received by the close of business (5:00 p.m.) September 2, 1986.

Applications

Applicants should submit *three* (3) copies of their complete proposal by the deadline established above. Submissions must include:

A. A completed and signed Federal Assistance application on the current Standard Form 424. Copies of the required forms, and any information or clarification regarding them may be obtained by writing or calling the Office for Victims of Crime, National Victims Resource Center, 633 Indiana Avenue, NW., Washington, DC 20531, (202) 724–5947. The applicant may also call the program office, National Victims Initiative Section, (202) 272–6500 with respect to substantive issues.

B. An abstract of the full proposal, not to exceed one page.

C. A program narrative of not more than ten (10) single-spaced typed pages should include:

1. A clear, concise statement of the issues surrounding the problem area. A discussion of the relationship of the proposed work to the existing training literature is also expected;

2. A clear statement of the project objectives including a list of the major milestones of events, activities, and products, and a timetable for completion;

3. A clear statement which describes the approach and strategy to be utilized in responding to each of the tasks identified in the program description.

4. The proposed organization and management plan to be used including, at a minimum, the staffing of the project (with their experience) and the time commitments of key staff to individual project tasks. A full time project director must be allocated to the project.

D. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, project advisory board costs, and overhead, and a short narrative explanation (justification) of each budgeted cost;

E. Copies of vitae for the professional staff which summarize education, research and training experience, and bibliographic information related to the proposed work. Detailed technical material that supports or supplements the description of the proposed effort, but is not integral to it, should be included in an appendix.

All three copies of the application must be sent or hand delivered to: Office for Victims of Crime, National Victims Resource Center, 633 Indiana Avenue, NW., WAshington, DC 20531.

For further information, contact: John Veen, National Victims Initiative Section (202) 272–6500.

Notification under Executive Order 12372

This program, recently authorized and funded by Congress, provides support for training and technical assistance for law enforcement and other personnel to assist in addressing issues related to family violence. The Department of Health and Human Services, under whose authority these funds are transferred to the Department of Justice, will propose to exclude this program from coverage under Executive Order 12372. This training and technical assistance program is national in scope and the statutory requirement for "regionally based training" will be offered by the single national grantee in only a few cities/states nationwide. Therefore, the requirements of Executive Order 12372 are waived.

Lois Haight Herrington,

Assistant Attorney General, Office of Justice Programs.

Verne L. Speirs,

Administrator, Office for Victims of Crime.

[FR Doc. 86–18082 Filed 8–8–86; 8:45 am]

BILLING CODE 4410–18–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Co. and Old Dominion Electric Cooperative, North Anna Power Station, Units No. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. NPF–4 and No. NPF–7 issued to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for operation of North Anna Power Station, Units No. 1 and 2, located in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action:

This Environmental Assessment is written in connection with the proposed core uprate for the North Anna Power Station, Units No. 1 and 2 (NA–1&2) in response to the licensee's application for amendments dated May 2, 1985, as supplemented February 6, April 30, June 4, and July 3, 1986. The proposed action would upgrade the rated core power level for NA–1&2 from the current level of 2775 Megawatts-thermal (MWt) to 2893 MWt, and upgade the Nuclear Steam Supply (NSSS) thermal power from the current level of 2787 MWt to 2905 MWt. This uprate would represent an increase of approximately 4.5 percent over the current rated core power and NSSS thermal power.

The Need for the Proposed Action

The proposed action would increase the electrical output for each unit by 32

Megawatts-electrical (MWe) and thus provide additional electric power to the grid which services the rapidly expanding commercial and domestic areas in the State of Virginia.

Environmental Impacts of the Proposed Action

A slight change in environmental impact can be expected for the proposed increase in power. The proposed core uprating is projected to increase the rejected heat by approximately 4.5 percent. However, the Environmental Report (Appendix K) and the NRC approved Final Environmental Impact Statement (FEIS), as amended, have already addressed plant operation up to a stretch NSSS power rating of 2910 MWt. Thus, the 4.5 percent increase in rejected heat has already been evaluated and determined to not significantly impact on the quality of the human environment. Also, the proposed increase in the NSSS power (2905 MWt) involves no significant change in types or significant increase in the amount of any effluents that may be released offsite which has not already been evaluated and approved in the FEIS (as amended) for a NSSS power rating of 2910 MWt. Similarly, as enveloped by the FEIS (as amended), there would be no significant increase in individual or cumulative occupational radiation exposure.

Alternatives to the Proposed Action

The principal alternative to the proposed action would be to deny the requested amendments. This alternative would be in contradiction to the fact that the NA-1&2 Environmental Report and the NRC approved Final Environmental Impact Statements (FEIS), as amended, have already addressed operation up to a stretch power rating of 2910 MWt.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for North Anna Power Station, Units No. 1 and 2, as amended.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendments. Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendments dated May 2, 1985, as supplemented February 6, April 30, June 4, and July 3, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland, this 5th day of August, 1986.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, PWR Project Directorate No. 2, Division of PWR Licensing—A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-18017 Filed 8-8-86; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for Extension of Approval Under the Paperwork Reduction Act of Information Collection

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB extension of approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) has requested approval by the Office of Management and Budget (OMB) for an extension of the expiration date of a currently approved information collection request (1212-0030) without any change in the substance or in the method of collection. Current approval of the information collection is scheduled to expire on August 31, 1986. The information collection, which is not contained in a regulation, is a survey of insurance company rates for pricing annuity contracts that is conducted under the auspices of the American Council of Life Insurance. The effect of this notice is to advise the public of the PBGC's request for OMB approval of this extension.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202-956-5050 (202-956-5059 for TTY and TDD). (These are not toll-free numbers.)

Issued at Washington, DC, this 20th day of July 1986.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-17981 Filed 8-8-86; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

Extension

Rule: 17a-4, No. 270-242.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17a-4 (17 CFR 240.17a-4) which requires exchange members, brokers and dealers to preserve for prescribed periods of time certain records required to be made by Rule 17a-3 and other Commission Rules.

The potential affected persons are 8800 broker-dealers. Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

August 1, 1986.

[FR Doc. 86-18027 Filed 8-8-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-740]

Application and Opportunity for Hearing; InfraRed Associates, Inc.

August 5, 1986.

Notice is hereby given that InfraRed Associates, Inc., (Applicant) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as

amended, (the "1934 Act") for an order exempting the Applicant from the registration requirements under section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any intersted person not later than September 1, 1986, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18031 Filed 8-8-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23506; File No. SR-CBOE-86-24]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 17, 1986 the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Comission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would give the Exchange the option to add a third consecutive expiration month to those expiration months presently available for trading in the Standard and Poor's 500 Stock Index (SPX), making a total of six instead of five SPX expiration months.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to give the Exchange the option of adding a third consecutive expiration month in the Standard and Poor's 500 Stock Index (SPX). After the July expiration, the expiration months available for trading in SPX will be August, September, December, March and June; under the proposed pattrern, the expiration months available for trading would be August, September, October, December, March and June. Before the Exchange applies this rule change to the Standard and Poor's 100 Stock Index (OEX), the Exchange will file a rule change pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 (the Act) and pursuan to SEC Release Number 34-23257 approving SR-CBOE-86-04. The statutory basis for the proposed change is Section 6(b)(5) of the Act, in that it is designed to facilitate transactions in SPX option contracts.

(B) Self-Regulatory Organization's Statement on Burden on Competiton

This proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Member, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regualtory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institue proceedings to detemine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foegoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 2, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 5, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18029 Filed 8-8-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23498; File No. SR-DTC-85-04]

Self-Regulatory Organizations; Order Approving Proposed Rule Change By The Depository Trust Co.

On November 12, 1985, the Depository Trust Company ("DYC") submitted a proposed rule change pursuant to

section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The proposed rule change revises DTC's rules concerning disciplinary actions and decisions affecting access to DTC facilities and services, consistent with section 17A of the Act and Division of Market Regulation Standards for the Registration of Clearing Agencies (the "Standards").[1] More specifically, the proposed rule change authorizes disciplinary actions for violations of DTC's rules and procedures and sets forth procedures for review of recommendations imposing disciplinary sanctions, denying applicants' participation in DTC, and prohibiting or limiting a participant's access to DTC's services. Notice of the proposed rule change appeared in the **Federal Register** on November 25, 1985.[2] No comments were received.

Subsequent to its filing, DTC filed two amendments to the proposal. On February 5, 1986, DTC filed an amendment to its proposal, among other things, reinstituting issuer and participant opportunity to seek Board review of DTC management decisions making particular securities ineligible for DTC services. On July 31, 1986, DTC filed a second amendment clarifying a member's right to and procedures for a review by the Board of Directors of a hearing panel's decision. As discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change would revise DTC Rules 21 and 22 to specify the circumstances when, and procedures by which, DTC is authorized to discipline participants or pledgees for a violation of DTC Rules and procedures. Revised Rule 22 also would authorize applicants, participants and pledgees to appeal corporate decisions directly affecting their use of DTC services.

Revised Rule 21 would authorize DTC to discipline participants or pledgees for violations of DTC Rules, procedures or agreenments; for errors, delays or other conduct detrimental to DTC's participants' or pledgees' operations; or for not providing adequate facilities for its business with the corporation. Available sanctions would include, amont others, censure, expulsion, suspension, limitations on member's activity and fines.[3]

To initiate a disciplinary action, revised DTC Rule 21 would require DTC to send to the affected participant or pledgee a written statement describing: the reason for the proposed disciplinary action; the proposed sanction; and the participant's or pledgee's right to respond to and contest, in accordance with revised DTC Rule 22, DTC's allegations and proposed sanctions. Unless the participant or pledgee responded within five business days, revised DTC Rule 21 would authorize DTC's Chairman of the Board, President or Secretary to impose the proposed sanction.

Revised DTC Rule 21 would authorize the imposition of sanctions immediately in cases where DTC summarily suspends and closes out the accounts of a participant or pledgee pursuant section 17A(b)(5)(C) of the Act. As amended on February 5, 1986, DTC Rule 21 would note that particpants or pledgees summarily suspended will be afforded an opportunity for a hearing promptly, that the appropriate regulatory agency for the participant or pledgee may stay any such summary suspension and the procedures to obtain such a stay are specified in section 19 of the Act.

Revised DTC Rule 22 sets forth procedures for participants who wish to contest proposed disciplinary actions and denials of access. The recommendations or decisions that may be contested include: (1) Imposition of a disciplinary sanction pursuant to DTC Rule 21; (2) termination of a pledge agreement under DTC Rule 2 Section 3; (3) summary suspension and closing of a participants account; and (4) ceasing to act for a participant pursuant to DTC Rules 10, 11 or 12. An applicant also may contest a denial of its application to become a participant. The February amendment also would authorize an issuer or participant to contest a decision denying or terminating a security's depository-eligibility status.

Under Revised DTC Rule 22, the request to contest a disciplinary action must be received by DTC in writing within the applicable time period specified in the Rule 21, [4] must specify the proposed action to be contested, must list the name of the interested person or his representative and must include a copy of DTC's statement describing the proposed action. Within 15 days after filing the notice, the interested person or its representative must submit a clear and concise written statement regarding DTC's proposed action, the basis for objecting to the proposed action and whether the interested person will be represented by counsel at the hearing. Failure to file the written statement within the appropriate time period will constitute a waiver by the interested person of its right to a hearing. DTC, however, has stated that it would grant extensions in extenuating circumstances.

After DTC receives the interested person's notice and statement, DTC would be required to notify the interested person of the date, time and place of the hearing at least 5 business days prior to the hearing. The revised rule would authorize DTC to establish a pool of participants' employees or partners to serve as panel members. Section 3 of the Rule would direct DTC's Chairman of the Board of Directors to select a one-member panel for actions concerning proposed fines of $5,000 or less and at least a two-member panel for proposed fines in excess of $5,000 and all other proposed sanctions. In the event a two-member panel is unable to reach a decision, the Rule specifies that DTC's Board of Directors hear the matter.

Revised DTC Rule 22 Section 4 would grant the interested person an opportunity to be heard at the hearing and be respresented by counsel. That section also would require DTC to make and keep a record of any hearing held pursuant to DTC Rule 22.

Revised DTC Rule 22 Section 5 would require the Panel to notify the interested person in writing of its decision within 10 business days after the hearing. At a minimum, the Panel's decision would be required to set forth the act or practice the interested person performed or failed to perform, the specific provisions of DTC's rules or procedures violated by the interested person, the sanction to be imposed, and the reason for imposing that sanction.The decision of the Panel would be deemed final.

Once the hearing panel has rendered a decision, the intersted person may appeal the decision to the Board of Directors by written motion within five (5) business days after issuance of the panel's written decision. The granting of any such motion for review shall be within the sole discretion of the Board of Directors. In addition, the Board of Directors, within 75 days after the panel's written decision, may review that decision on its own motion. The Board of Directors may reduce the sanction imposed or may affirm or reverse the decision in whole or in part. A decision is deemed final when the interested person fails to exercise the right to appeal or when the interest

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[1] Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980) ("Standards Release").

[2] Securities Exchange Act Release No. 22632 (November 15, 1985) 50 FR 48515 (November 25, 1985).

[3] The list of available sanctions would include the entire array of sanctions authorized in section 17A.

[4] For summary actions, the interested person will have 3 days to file such statement.

person is notified of the Board of Directors' decision.

II. DTC's Rationale

DTC believes that the proposal is consistent with section 17A(b)(3) and 17A(b)(5) of the Act for several reasons. First, the proposed amendments provide authority for appropriate disciplinary actions for violations of DTC's rules. Second, the proposed amendments provide fair procedures with respect to disciplining participants, denying participation status to any applicant, denying or terminating a security's depository-eligibility status and prohibiting or limiting any person's access to DTC's services. Finally, DTC believes these amendments will conform DTC's disciplianry procedures to Division of Market Regulation's Standards.

III. Discussion

The Act requires clearing agencies to have authority to discipline participants for violations of clearing agency rules and to select appropriate sanctions from the list set forth in section 17A(b)(3)(G) of the Act.[5] The Act also requires clearing agency disciplinary procedures to be fair. Thus, participants charged with a violation must be afforded the right to a fair and impartial hearing, [6] a request for which should stay the imposition of a proposed sanction unless the sanction is a summary suspension. [7] To assure impartiality, the hearing panel should be composed of directors or other persons disinterested in the initial disciplinary decision.

When the Commission approved DTC's application for registration as a clearing agency in 1983, DTC undertook to amend its rules to conform to the Act in these matters.[8] The Commission believes the proposed rule changes satisfy that undertaking, are consistent with the Act, and should be approved.

The Commission believes that the proposed rule change is consistent with sections 17A(b)(3) and 17A(b)(5) of the Act because it provides authority for appropriate disciplinary actions for violations of DTC's rules and fair procedures with respect to disciplining participants, denying participation status to any applicant, denying or terminating a security's depository-eligibilty status and prohibiting or limiting any persons's access to DTC's services. DTC's proposal to expand available sanctions to include those listed in section 17A(b)(3)(G) of the Act is consistent with the Act's objective to allow self-regulatory organizations wide descretion in disciplining their participants. This proposal will grant DTC greater flexibility to impose appropriate sanctions in particular cases.

The Commission also believes that DTC's proposed changes to its hearing procedures are designed to assure fair process to persons accused of violating DTC's rules. The proposal creates a pool of disinterested and impartial persons to serve as panel members, and provides the right to a fair and impartial hearing before the imposition of any proposed sanction. Although some matters will be heard by a two-member panel and could result in a deadlock between the panel members, the proposal specifies that in such cases the matter will be heard by DTC's Board of Directors. The Commission understands that DTC has not been successful in recruiting a large pool of potential panel members. Accordingly, the use of two-member panels coupled with Board of Director review of deadlocked decisions appears to be an appropriate allocation of limited resources consistent with assuring interested persons fair process.

The Commission believes that the proposed amendments concerning review of hearing panel decisions are consistent with the Act. First, all persons aggrieved by a panel decision may petition DTC's Board of Directors to review that decision. Second, DTC's Board of Directors, on its own motion, may decide to review the hearing panel's decision. The Commission understands that the Board of Directors, when reviewing a decision on its own motion, may affirm or reverse the decision (in whole or in part) and may reduce the recommended sanction, but may not increase the sanction imposed by the hearing panel. Finally, an interested person, after exhausting all rights of review under DTC rules, may appeal any disciplinary action to its appropriate regulatory agency.

IV. Conclusion

For the reasons discussed above, the Commission finds that DTC's proposed rule change is consistent with section 17A of the Act in that the proposal provides DTC with authority to appropriately discipline participants for violation of its rules and provides its participants with the right to a fair and impartial hearing.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-DTC-85-04) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 4, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18030 Filed 8-8-86; 8:45 am]

BILLING CODE 8010-01-M

[5] Statutory sanctions include: "expulsion, suspensions, limitation of activities, functions, and operations, fines, censure, or any other fitting sanction." Section 17A(b)(3)(G) of the Act.

[6] *See* section 17A(b)(3)(H) and (b)(5) of the Act; Standards Release, 45 FR at 41925. *See generally In Re Charles H. Ross, Inc.*, Securities Exchange Act Release No. 16230 (October 1, 1979), 18 SEC Docket 557 (October 16, 1979).

[7] See section 17A(b)(5)(C) of the Act.

[8] *See* Securities Exchange Act Release No. 20221 (September 23, 1983) 48 FR 45167 at 45179 note 131.

[Release No. 34-23490; File Nos. SR-CBOE-85-32 and SR-CBOE-85-16]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes by the Chicago Board Options Exchange, Inc.

I. Introduction

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder, [2] the Chicago Board Options Exchange, Incorporated ("CBOE" or the "Exchange") filed with the Commission two proposed rule changes relating to the operation of the CBOE's Retail Automatic Execution System ("RAES" or "System"). The first proposal requests permanent approval of the use of RAES for options on the Standard and Poor's 100 Index ("OEX"). The second proposal seeks Commission authorization for a six-month pilot using RAES for the execution of selected classes of individual stock options.[3]

RAES has operated as a pilot program in a limited number of OEX series since February 1, 1985.[4] Under the pilot, RAES automatically executes public customer market and marketable limit orders of ten or fewer contracts entered into the System against participating market makers in the CBOE trading crowd at the best bid or offer quoted on the CBOE floor at the time of the order's entry into RAES.[5] If the best bid or offer is

[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] The proposals were noticed, respectively, in Securities Exchange Act Release Nos. 22274 (July 29, 1985), 50 FR 31264 (File No. SR-CBOE-85-32), 22270 (July 26, 1985), 50 FR 31449 (File No. SR-CBOE-85-16, Amendment No. 2), and 23331 (June 17, 1986), 51 FR 23286 (File No. SR-CBOE-85-16, Amendment No. 4).

[4] A RAES OEX pilot was initially approved in Securities Exchange Act Release No. 21695 (January 28, 1985), 50 FR 4823 (File No. SR-CBOE-84-30).

[5] CBOE market makers who participate in RAES in OEX, in effect provide public customers whose orders are executed through RAES with firm quotes for orders up to ten contracts.

represented by the public limit order book, the RAES order trades with a CBOE market maker at that price as an exception to CBOE priority rules.[6] As initially proposed, the individual stock options pilot would have operated in the same manner as the OEX RAES pilot.

Upon consideration of the CBOE's request for a six-month RAES equities pilot and permanent approval of RAES for OEX, the Commission issued a release in January 1986 ("January Release") requesting interested individuals and the retail firm community to comment on various issues raised by the operation of RAES.[7] Specifically, the Commission requested commentators to assess the benefits and costs of RAES in both individual stock options and OEX; the potential harm to investors and the market caused by RAES' inability to interact with customer limit orders on the book; and whether certain modifications to RAES which would preserve the priority of customer book orders were feasible and should be made. The five firms responding to the January Release commented favorably on RAES' use in OEX, but generally opposed the use of RAES in its initial form for individual stock options.[8] In recognition of these comments and the concerns of the Commission as expressed in the January Release, the CBOE proposed to modify its RAES equities options pilot.[9] These modifications and the opinions of the commentators are discussed in detail below.

II. Summary of Public Comments

Each of the five retail firms responding to the Commission's request for comments suggested that the RAES pilot in individual stock options, as initially proposed by the CBOE in July 1985, not be approved because of the possibility that public customer limit orders on the equities books would be "stranded" to some degree by the operation of RAES, *i.e.*, these orders possibly would not receive an execution before a price change or the end of the trading day, even though they were otherwise entitled to executions (but for the operation of RAES) under the CBOE priority rule. The firms concluded that the lack of limit order protection would present more of a problem in equity options than in OEX, because of the generally low trading volume in most individual stock options.[10] For example, Shearson Lehman advised the Commission to "go slowly" in authorizing an equities pilot, because "here we very likely would have priority problems."[11] Merrill Lynch commented that "[because] of the lack of liquidity in many of the equity options, limit orders on the book will be frozen out to a much greater extent than in the OEX crowd."[12]

One firm, Paine Webber, drew some distinction between high and low volume equity options. Paine Webber stated that a pilot limited to high volume options would be acceptable. Paine Webber also commented, however, that for individual options with consistently wide spreads, "the lack of book priority could force a greater use of market orders. . . ."[13] In contrast, Dean Witter reasoned that while a pilot in active equities would have the advantage of attracting order flow because customers would receive better service, the System should still be required to interface with the limit order book because the book is used more frequently in equities than in OEX.

Two firms, Merrill Lynch and Paine Webber, also commented on the CBOE argument that it market makers would not voluntarily participate in RAES and thereby commit themselves to providing ten-contract firm quotes if they were not permitted to trade ahead of the limit order book. Both firms discounted this argument, with Merrill Lynch noting that market makers on other exchanges have not found it necessary to trade ahead of the public in order to earn a livelihood.[14] Paine Webber commented that CBOE market makers who want to participate in RAES should be required to commit themselves to the system for a minimum period of time and a certain number of contracts.[15]

III. The RAES Equities Pilot

In rule filings and letters submitted to the Commission over the past year, the CBOE has discussed the benefits provided to public customers and retail firms by the operation of RAES in OEX, and has advocated that these benefits be extended to public customers trading in individual stock options by piloting RAES in equity options in the same menner as it has been piloted in OEX. CBOE maintains that the RAES exception to limit order priority has had a minimal negative impact on the limit order book in OEX, in terms of the number of public customer orders that have not received executions due to intervening RAES trades with CBOE market makers.[16] CBOE believes that if RAES were piloted in equity options with the same exception from CBOE priority rules, it also would have a minimal effect on customer book limit orders. In addition, the CBOE believes that RAES in its current form provides customer protection

at least comparable, if not superior, to . . . specialist options trading systems. . . . To require CBOE to integrate the book with RAES, either in OEX or in equities, would be to hold CBOE to a standard to which other exchanges . . . have not been held.[17]

Although the CBOE believes that Commission approval of a RAES equities pilot which does not provide limit order protection is warranted,[18]

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[6] Under CBOE priority rules, the orders of public customers on the book have time priority over any other orders at the same price. *See* CBOE Rule 6.45.

[7] *See* Securities Exchange Act Release No. 22817 (January 21, 1986), 51 FR 3547.

[8] The Commission received letters from the following firms: Dean Witter Reynolds, Inc. ("Dean Witter"); Merrill Lynch & Co., Inc. ("Merrill Lynch"); Paine Webber, Inc. ("Paine Webber"); Shearson Lehman Brothers ("Shearson Lehman"); and Smith Barney, Harris Upham & Co., Inc. ("Smith Barney").

[9] *See* Amendment No. 4 to File No. SR–CBOE–85–16, noticed in Securities Exchange Act Release No. 23331 (June 17, 1986), 51 FR 23286, *supra* note 3.

[10] For example, in April 1986, the average daily volume of OEX was 512,128, whereas the volume of International Business Machines ("IBM"), the top equity class for April, was 51,154. With the exception of American Telephone and Telegraph ("AT&T"), (which had an average daily trading volume of 13,584), the remaining top ten options classes had average daily trading volumes of less than 10,000 contracts.

[11] Letter from Richard Donsky, Executive Vice President, Option Department, Shearson Lehman, to Eneida Rosa, Branch Chief, Division of Market Regulation, SEC, dated March 18, 1986 ("Shearson Letter"), at 2.

[12] Letter from Roger C. Wilson, Vice President, Corporate Staff, Manager, Policy Analysis, Merrill Lynch, to John Wheeler, Secretary, SEC, dated March 14, 1986 ("Merrill Lynch Letter"), at 3.

[13] Letter from Bruce A. Bursey, Manager, National Options, Paine Webber, to John Wheeler, Secretary, SEC, dated March 7, 1986 ("Paine Webber Letter"), at 2–3.

[14] Merrill Lynch Letter at 3.

[15] Paine Webber Letter at 3. In June 1986, the CBOE did commence a six month pilot which imposes certain participation requirements on those market makers who elect to participate in RAES. Under the pilot, individual market makers must remain on the System for the duration of the week in which they sign on to RAES, and on the following expiration Friday, which they are present on the trading floor. Market makers who are members of a joint account or nominees of a member organization, unlike individual market makers, may not remove themselves from the system by leaving the trading floor. For a complete description of the pilot, *see* Securities Exchange Act Release No. 23313 (June 10, 1986), 51 FR 22368 (File No. SR–CBOE–86–10).

[16] CBOE statistics indicate that the percentage of limit orders on the OEX book that did not receive executions even though RAES orders were executed at the same price, ranged from a high of 1.6% in November 1985 (when the total number of unexecuted book orders equaled 1,112), to a low of 0.1% in April 1986 (when unexecuted book orders totaled 1,425). *See* letter from Frederic M. Krieger, Associate General Counsel, CBOE, to John P. Wheeler, III, Secretary, SEC, dated May 30, 1986 ("CBOE Comment letter"), at *Exhibit B*.

[17] *Id.* at 4.

[18] Id.

the CBOE has proposed to experiment, for the purposes of a pilot, with a modified RAES program that will allow RAES orders to trade with the book in certain equities options classes, where operationally feasible. Under this proposal, RAES would be piloted for six months in six classes of equity options[19] and, with the exception of IBM, limit orders on the books in the piloted equities classes would receive executions in accordance with CBOE priority rule if they represented the best bid or offer in the market. CBOE proposes to provide limit order protection for customer book orders by means of manual comparison of the book's position with RAES executions. In the event a book order represents the best bid or offer and a RAES order has been executed at that price against a CBOE market maker, the Exchange also will require that market maker to trade with the customer order on the book. Because of the manual nature of this system, the CBOE believes that providing limit order protection for IBM options is not feasible, given that option's high trading volume. Accordingly, the CBOE proposes to pilot RAES in IBM in the same manner as it has been piloted in OEX.

In addition, the proposal would allow the Exchange, in the other piloted opitons classes, to suspend book priority in the event of "unusual market conditions." These conditions generally would be characterized by trading activity that materially interfered with the ability of Exchange personnel to handle the manual tasks necessary to interface the book with RAES. For example, one of the guidelines the CBOE may consider in calling a suspension in a particular class is an increase in daily trading volume to 20,000 or more contracts.[20] Suspension of book priority would require the concurrence of the CBOE Executive Committee Chairman and the President, or their designees.

[19] The CBOE has indicated its intention to pilot RAES in IBM, Eastman Kodak, AT&T, General Motors, Sears, and General Electric. If necessary (*e.g.*, in the event of an extraordinary change in trading circumstances), the Exchange may replace any of these classes with options of comparble volume and activity during the course of the pilot. *See* CBOE Comment Letter at 5.

[20] Average daily volume in the five classes the CBOE initially has selected for inclusion in the pilot (excluding IBM) ranged between 4,000 and 15,000 contracts during March and April 1986. The unusual market condition exception would not be uniformly triggered if an option reached 20,000 contract trading volume; rather, the Commission expects the CBOE to do a factual analysis of whether serious operational difficulties are occurring because of the manual RAES override.

IV. Discussion

a. The RAES Equities Pilot

In the January Release, the Commission discussed a number of concerns it had with the RAES equities pilot as originally proposed by the CBOE. First, because the pilot did not include any mechanism whereby customer orders on the book could be executed against RAES orders, the Commission requested comment on whether a significant number of customer limit orders on the equities books would not receive executions even though RAES orders were executed at prices equal to the book's bid or offer, and even though those limit orders were first in time. The Commission believed that missed executions might discourage customers from entering limit orders, which in turn could negatively impact the pricing efficiency of the market, particularly in less active option classes. Second, the Commission requested comment on whether the possible adverse impact of RAES on public customers who choose to place limit orders on the equities books is outweighed by the need, from an operational standpoint, for an automatic execution system for individual stock options. In this regard, the Commission noted the significant differences in trading volume between OEX and equity options. Third, the Commission requested comment on whether a pilot which did not test the feasibility of incorporating limit order protection systems into RAES, would yield useful data regarding the impact of RAES on customer limit orders on the equities books, and the willingness of CBOE market makers to participate in a RAES system that did provide limit order protection.

The Commission believes that the modifications recently proposed by the CBOE to the equities pilot adequately address these concerns, at least for the purposes of implementing RAES in selected equity options on a pilot basis.[21] As modified, the pilot ensures that public customers who have limit orders on the books in the piloted equity classes (with the exception of IBM) will not be disadvantaged by the operation of RAES. Limit orders on these equities books will be guaranteed executions if the book represents the best bid or offer and a RAES order has traded at that price. Because the CBOE must rely on manual intervention at the present time to provide limit order protection in those option classes in which RAES would operate, the Exchange is unable to protect limit orders in high volume situations without sacrificing the efficiencies of an automatic execution system. Therefore, under the pilot, limit order protection may be suspended by the CBOE in the piloted option classes as a result of unusual market conditions, and will not extend to IBM options. The CBOE has indicated to the Commission that it does not expect the need to suspend book priority to arise during the course of the pilot. The CBOE has further represented that it will closely monitor the use of RAES in IBM so as to gauge its impact on the limit order book. While the Commission remains concerned over any reductions in public protection, we believe the pilot as modified will yield important data on the impact of RAES on customer limit orders in both moderate and high volume trading situations.[22] Also, at the pilot's conclusion the Commission will be able better to assess the costs and benefits of providing limit order protection in an automatic execution system.

The pilot also will provide information regarding the willingness of CBOE market makers to voluntarily participate in an automated execution system without the benefit of trading ahead of the book. In the past, the CBOE has maintained that market maker priority over the limit order book is a necessary *quid pro quo* for participation in a system that requires market makers to provide firm quotes.[23] As noted above,

[21] The Commission notes that no adverse comments were received regarding the proposed modifications, although, as stated previously, the Commission received several letters objecting to the start-up of the RAES equity options pilot as initially proposed.

[22] In this regard, the CBOE has represented that it will monitor the operational efficiencies of the modified RAES program and its impact on the equities limit order books, and the operation of RAES in IBM. Among the aspects of the pilot the CBOE will monitor are the following: (1) The number of instances in which a RAES order is executed at the book's bid or offer; (2) the number of instances in which orders on the IBM book do not receive executions at the price of a RAES transaction; (3) the efficiency with which limit orders in the piloted equity options are executed (*e.g.*, the turnaround time between an order printing at the post and assignment of that order to a market maker; and instances in which the parties to a trade are not established); (4) the number of market makers participating in the pilot in each of the piloted equity classes and in IBM; (5) any change in the order entry methods of public customers; and (6) any change in the quality of the market for both the equity classes and IBM.

[23] The Commission notes that the American Stock Exchange, Inc. ("Amex"), which currently is piloting an automatic execution system ("AUTO-EX") in connection with its Major Market Index, does not allow its market makers to trade ahead of the book, but rather ensures market maker participation in AUTO-EX by imposing certain requirements on those Amex members who elect to participate in the System.

several public commentators disagreed with this assumption.

Finally, the Commission believes that the pilot is appropriate because it will enable lthe Commission to elicit comments from participating retail firms regarding the efficiencies of a modified RAES system and its impact on the order entry methods of public customers. The Commission encourages participating firms to monitor customer use and reaction to RAES as piloted in the six individual stock options.

b. The OEX Proposal

In the January Release the Commission identified a number of concerns it had with the use of RAES in OEX that have been discussed above in connection with the equities pilot. For example, the Commission expressed concern about the extent to which public customers who place their orders on the OEX book are disadvantaged by the operation of RAES. The Commission requested comment on whether the cost to these customers in terms of missed executions is outweighed by the benefits of RAES. With one exception,[24] the retail firms which responded to the Release expressed the opinion that the benefits derived from improved executions and markets for customer orders outweigh the disadvantage of no limit order protection in RAES in OEX.[25] The Commission has reviewed these comments carefully and has concluded that permanent approval of the use of RAES in OEX is consistent with the Act.

The Commission is cognizant of the substantial benefits provided by RAES to public customers of OEX and firms using the System. RAES has made significant contributions to the OEX market by increasing the efficiencies of order entry and handling, and adding to the confidence of public customers whose orders are executed through RAES. Because of the present technical limitations of the CBOE's order routing system, it does not appear possible at the current time for the CBOE to preserve the efficiencies of RAES while providing protection for the customer book limit orders in OEX. The high trading volume in OEX (averaging over 500,000 contracts per day in April 1986) effectively precludes protection of the OEX book by means of manual intervention similar to that proposed for the RAES equities pilot. Moreover, the CBOE lacks the technical capabilities at the present time to electronically link its limit order books with RAES. Given these technical impediments, the Commission believes that, on balance, the benefits of RAES for the market in OEX weigh in favor of permanent approval of the System for OEX.

The Commission emphasizes, however, that in approving RAES for OEX it does not necessarily agree that enhanced execution efficiency and limit order protection are mutually exclusive.[26] For example, a system has been implemented on another option exchange which substantially replicates the RAES execution efficiencies without sacrificing book priority.[27] Moreover, the Commission accepts the good faith of CBOE's representations that it is continuing to explore the development of an electronic limit order book which would allow for the full integration of the limit order book with RAES.[28] Although the Commission does not believe it is necessary to tie approval of RAES to such future technological developments, the Commission does expect the CBOE will provide a high priority to its program to automate its limit order books, and to full integration of RAES with public limit orders.

IV. Conclusion

The Commission has carefully reviewed the proposal for a six month RAES equities pilot, and the proposal for permanent approval of RAES in OEX, and has concluded that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder, and in particular, the requirements of sections 6 and 11A. Based on the preceding discussion, the Commission believes that both the equities pilot program and the OEX proposal provide sufficient investor protection while facilitating options trading.

It is therefore ordered, pursuant to section 19(b)92) of the Act, that the proposed rule changes be, and hereby are, approved.

By the Commission.

Dated: August 1, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18028 Filed 8-8-86; 8:45 am]

BILLING CODE 8010-01-M

[24] Merrill Lynch stated that it is opposed to permanent approval of RAES for both OEX and equity options without limit order protection. *See* Merrill Lynch Letter at 1.

[25] Among the benefits cited by the commentators are increased speed of execution; firm quotes for up to ten contracts; decreased instances where, due to delays in transmitting orders to the floor and having them represented in the trading crowd, customers either miss the market or obtain a less favorable execution than expected; reduced paper flow (which reduces the burden on a firm's floor brokerage operation); and more opportunity for a firm's floor brokers to work large orders that are not eligible for RAES execution.

[26] Nor does the Commission necessarily agree that operational necessity generally justifies reducing the protection accorded certain customer orders.

[27] *See* Securities Exchange Act Release No. 22610 (November 8, 1985), 50 FR 47480, approving a proposal by the Amex to pilot its automatic execution system ("AUTO-EX") in selected series of its Major Market Index option.

[28] *See* letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated April 9, 1985.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2244]

Pennsylvania; Declaration of Disaster Area

Lancaster County in the State of Pennsylvania constitutes a disaster area as a result of flooding caused by heavy rains which occurred on July 25 and 26, 1986. Applications for physical damage may be filed until the close of business on October 3, 1986, and for economic injury until the close of business on May 4, 1987, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring Street, SW., Suite 822, Atlanta, Georgia 30303, or other locally announced locations.

The filing periods specified above are subject to the availability of appropriated funds on and after October 1, 1986.

The interest rates are:

Homeowners with credit available elsewhere—8.000%

Homeowners without credit available elsewhere—4.000%

Businesses with credit available elsewhere—8.000%

Businesses without credit available elsewhere—4.000%

Businesses (EIDL) without credit available elsewhere—4.000%

Other (non-profit organizations including charitable and regligious organizations)—10.500%

The number assigned to this disaster is 224406 for physical damage and for economic injury the number is 642200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: August 4, 1986.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 86-17951 Filed 8-8-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0179]

Surrender of License; Funds, Inc.

Notice is hereby given that Funds, Inc., 1930 George Street, Melrose Park, Illinois 60160 has surrendered its License to operate as a Small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Funds, Inc. was licensed by the Small Business Administration on February 28, 1984.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on July 22, 1986, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: August 5, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-17953 Filed 8-8-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0320]

RIHT Capital Corp.; Filing of an Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1986)) for the transfer of ownership and control of RIHT Capital Corporation (the Licensee), One Hospital Trust Plaza, Providence, Rhode Island 02903, a Federal Licensee under the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 *et seq*). The proposed transfer of control of RIHT Capital Corporation, which was licensed June 29, 1982, is subject to the prior written approval of SBA.

At the present time the Licensee has 5,500 shares of voting common stock issued and outstanding. It is proposed that Rhode Island Hospital Trust National Bank will transfer its 5,000 shares of the voting common stock for certain shares in two classes of non-voting preferred stock of the Licensee.

The proposed officers, directors and shareholders of the voting securities of the Licensee will be as follows:

The proposed officers, directors and shareholders of the Applicant are as follows:

Name	Title or relationship	Percentage of shares owned
T. Eugene Smith, Suite 308, 1033 North Fairfax St., Alexandria, VA 22314.	Chairman of the Board, Director.	26.67
Peter D. Van Oosterhout, 796 Huntington Building, Cleveland, Ohio 44115.	President, Director	33.33
Robert A. Comey, One Hospital Trust Plaza, Providence, RI 02903.	Vice President	
Peter C. Canepa, One Hospital Trust Plaza, Providence, RI 02903.	Vice President, Treasurer, Assistant Secretary.	
Alden M. Anderson, One Hospital Trust Plaza, Providence, RI 02903.	Director	
Cyrus A. Ansary, Room 925, 1725 K Street NW., Washington, D.C. 20006.	Director	13.33
Stephen Hartwell, 6th Floor, 1101 Vermont Avenue, NW., Washington, D.C. 20005.	Director	13.33
Henry W. Lavine, 1201 Pennsylvania Ave., Washington, D.C. 20044.	Director	
Paul V. Zehfuss, Suite 308, 1033 North Fairfax St., Alexandria, VA 22314.	Secretary, Director	6.67
Paul V. Zehfuss, trustee under agreement Paul E. Zehfuss, Suite 308, 1033 North Fairfax St., Alexandria, VA 22314.	Shareholder	6.67
Alice G. Banyasz, 796 Huntington Bank Building, Cleveland, Ohio 44115.	Assistant Secretary	

It is proposed that upon the change of control the name of the Licensee will be changed to River Capital Corporation.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management, and the probability of successful operations of the new company under their management including profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC. 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Providence, Rhode Island area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 4, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-17952 Filed 8-8-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Manila International Airport

Pursuant to section 1115(d) of the Federal Aviation Act, on May 8, 1986, I notified the Government of the Philippines that I had determined that Manila International Airport, Manila, the Philippines, did not maintain and administer effective security measures. Ninety days have elapsed since my determination, and I have found that Manila International Airport still does not maintain and administer effective security measures. My determination is based on Federal Aviation Administration assessments which reveal that security measures used at the airport do not meet the standards established by the International Civil Aviation Organization.

I have directed that a copy of this notice be published in the **Federal Register**, that my determination be displayed prominently in all U.S. airports regularly being served by scheduled air carrier operations, and that the news media be notified of my determination. In addition, as a result of this determination, all air carriers and foreign air carriers (and their agents) providing service between the United States and Manila Airport must provide notice of my determination to any passenger purchasing a ticket for transportation between the United States and Manila Airport, with such notice to be made by written material included on or with such ticket.

Elizabeth Hanford Dole,

Secretary of Transportation.

Dated: August 5, 1986.

[FR Doc. 86-18036 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Baton Rouge Metropolitan Airport, Baton Rouge, LA; Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Greater Baton Rouge Airport District under the provisions of Title I of the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made

in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On March 7, 1986, the FAA determined that the noise exposure maps submitted by the Greater Baton Rouge Airport District under Part 150 were in compliance with applicable requirements. On June 25, 1986, the Administrator approved the Baton Rouge Metropolitan Airport noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Baton Rouge Metropolitan Airport noise compatibility program is June 25, 1986.

FOR FURTHER INFORMATION CONTACT: Donald C. Harris, Federal Aviation Administration, Airports Division, ASW–611C, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2609 or FTS 734–2609. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Baton Rouge Metropolitan Airport, effective June 25, 1986.

Under section 104(a) of the Aviation Safety and Noise Abatement Act (ASNA) of 1979, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with FAR Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Aviation Safety and Noise Abatement Act of 1979, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government.

Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA's Airports District Office in Houston, Texas.

The Greater Baton Rouge Airport District submitted to the FAA on April 29, 1985, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from August 7, 1984, through April 23, 1985. The Baton Rouge Metropolitan Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on March 7, 1986. Notice of this determination was published in the **Federal Register** on March 21, 1986.

The Baton Rouge Metropolitan Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to beyond the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on March 7, 1986, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 16 proposed actions for noise mitigation, on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective June 25, 1986.

Outright approval was granted for 15 of 16 program elements. Construction of the new general aviation runway was disapproved for purposes of FAR Part 150 because it is being constructed for purposes other than noise abatement. Airport improvement actions include construction of a 1,200-foot runway extension, construction of noise barriers, and land acquisition. Aircraft operational procedures include reduced thrust departure procedures, encouragement of compliance with FAR Part 36, and implementation of an informal runway use program. Land use controls include comprehensive planning, compatible land use zoning, aviation easements and subdivision regulations, zoning policy guidelines, and acoustical treatment of Brownfields Elementary School. The program also establishes a noise abatement committee and noise complaint monitoring system, acquisition of development rights and distribution of noise abatement information to airport users.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on June 25, 1986. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Greater Baton Rouge Airport District.

Issued in Fort Worth, Texas, on July 17, 1986.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 86–17945 Filed 8–8–86; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Applications for Exemptions of Hazardous Materials

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes September 11, 1986.

ADDRESS: Address Comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9641-N	Ulrich Chemical, Inc., Indianapolis, IN	49 CFR 173.268(b)	To authorize shipment of nitric acid, 60-68% aqueous solutions, classed as an oxidizer, in stainless steel tote tanks of 345 gallon capacity. (mode 1).
9642-N	Allied Corporation, Morristown, NJ	49 CFR 173.245(a)	To authorize transportation of a used fluorocarbon catalyst, a corrosive liquid, n.o.s., classed as a corrosive material, in DOT Specification 106A500X and 110A500W multi-unit tank car tanks. (mode 2).
9643-N	Eastman Kodak Company, Rochester, NY	49 CFR 172.300, 172.400, 177.848(f), Part 173.	To authorize certain compatible hazard classes to be transported, under special conditions, between two facilities for a distance of 3/10 of a mile in non-DOT specification packaging without marking and labeling and without meeting segregration requirements. (mode 1).
9644-N	Atlas Powder Company, Dallas, TX	49 CFR 178.218-11(a)	To manufacture, mark and sell a DOT Specification 23G cylindrical fiberboard box tested at one-year intervals, instead of 6 month intervals, for shipment of certain Class A explosives. (mode 1).
9645-N	Bonar Rosedale Plastics Ltd., Lindsay, Ont. Canada.	49 CFR Part 173, Subparts D, F	To manufacture, mark and sell non-DOT specification rotationally molded polyethylene containers of up to 300 gallon capacity enclosed in a plastic exterior frame for shipment of certain flammable or corrosive materials. (modes 1, 2).
9646-N	U.S. Department of Defense, Falls Church, VA.	49 CFR 174.81	To authorize certain Class A, B and C explosives and corrosive materials to be shipped together in a freight container secured to a rail car. (mode 2).
9647-N	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.66	To authorize shipment of detonators, Class A explosive, in military specification packagings. (modes 1, 2, 3).
9648-N	Morton Thiokol, Inc., Elkton, MD	49 CFR 173.92(c)	To authorize shipment of Class B rocket motors with igniters installed. (mode 1).
9649-N	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.421(b) and (d)	To authorize small arms ammunition, Class C explosive and ammunition for cannon with solid projectile, Class B explosive (munitions) containing depleted uranium to be shipped with higher surface radiation levels and without marking radioactive on packagings. (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 5, 1986.

J. Suzanne Hedgepeth, *Chief*
Exemptions Branch Office of Hazardous Materials Transportation.

[FR Doc. 86-17971 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption of Hazardous Materials

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes August 27, 1986.

ADDRESS: Address Comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
868-X	U.S. Department of Defense, Falls Church, VA.	868
3630-X	J.T. Baker Chemical Company, Phillipsburg, NJ.	3630
3768-X	Vanchem, Inc., Lockport, NY	3768
4850-X	Owen Oil Tools, Inc., Fort Worth, TX.	4850
5403-X	Hilliburton Services, Duncan, OK.	5403
5403-X	Vann Systems, Division of Halliburton Company, Houston, TX.	5403
5649-X	Great Lakes Chemical Corporation, Adrian, MI.	5649

Application No.	Applicant	Renewal of exemption
5820-X	ICI Americas, Incorporated, Wilmington, DE.	5820
6117-X	Montana Sulphur & Chemical Company, Billings, MT.	6117
6296-X	Rhone-Poulenc Inc., Monmouth Junction, NJ.	6296
6296-X	American Cyanamid Company, Wayne, NJ.	6296
6369-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	6369
6543-X	Union Carbide Corporation, Danbury, CT.	6543
6762-X	Taylor Chemicals, Inc., Sparks, MD.	6762
6874-X	ICI Americas, Incorporated, Wilmington, DE.	6874
6874-X	Degussa Corporation, Teterboro, NJ.	6874
6874-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	6874
7041-X	Ethyl Corp., Baton Rouge, LA.	7041
7052-X	EIC Laboratories, Inc., Norwood, MA.	7052
7060-X	Federal Express Corporation, Memphis, TN.	7060
7227-X	Richmond Lox Equipment Company, Livermore, CA.	7227
7247-X	U.S. Department of Defense, Falls Church, Va.	7247
7650-X	ICI Americas, Incorporated, Wilmington, DE.	7650
7719-X	Turner, Sycamore, IL.	7719
7730-X	The Western Company of North America, Fort Worth, TX.	7730
7943-X	Hasa Chemicals, Inc., Saugus, CA.	7943
7943-X	Willard Products, Redwood City, CA.	7943
7943-X	All Pure Chemical Company, Inc., Tracy, CA.	7943
7943-X	Alstar Company, Tracy CA	7943
7951-X	Avoset Food Corporation, Pleasanton, CA.	7951
7951-X	Longlife Dairy Products Company, Inc., Jacksonville, FL.	7951
8008-X	Wheaton Aerosols Co., Mays Landing, NJ.	8008
8035-X	NL McCullough/NL Industries, Inc., Houston, TX.	8035
8059-X	EFI Corporate, d/b/a EFIC, San Jose, CA.	8059
8111-X	U.S. Department of Energy, Washington, DC.	8111
8378-X	Sigma Chemical Company, St. Louis, MO.	8378
8431-X	Dow Chemical Co., Midland, MI.	8431
8445-X	Waste Conversion, Inc., Colmar, PA.	8445
8451-X	U.S. Department of Defense, Falls Church, VA.	8451
8473-X	Degussa AG, Frankfurt, West Germany.	8473
8526-X	Phelco Inc. Trucking, Hazelwood, MO.	8526
8538-X	Hercules, Incorporated, Wilmington, DE.	8538
8545-X	Hercules, Incorporated, Wilmington, DE.	8545
8549-X	United Pumping Service, Inc., City of Industry, CA.	8549
8667-X	3M Transportation, St. Paul, MN.	8667
8873-X	Stauffer Chemical Company, Westport, CT.	8873
8878-X	Amalgamet Canada—Division of Premetalco Inc., Toronto, Ontario, Canada.	8878
8891-X	BIC Corporation, Milford, CT	8891
8911-X	Olin Corp., East Alton, IL	8911
8913-X	Eurotainer, S.A., Paris, France	8913
8920-X	Applied Environments Corporation, San Fernando, CA.	8920
8921-X	Hoover Group, Inc., Beatrice, NE.	8921
8943-X	BASF Wyandotte Corporation, Parsippany, NJ.	8943
8966-X	All Pure Chemical Company, Inc., Tracy, CA.	8966
9016-X	Van Leer Verpackungen, Hamburg, West Germany [1].	9016
9168-X	All-Pak, Inc., Pittsburgh, PA [2]	9168
9182-X	Stoneco, Inc., Daconio, CO	9182
9212-X	Gibson Cryogenics, Inc., Ogden, UT.	9212
9253-X	Wiva Verpakkingen B.V., Oosterhout, Netherlands.	9253
9262-X	Owen Oil Tools Inc., Fort Worth, TX.	9262
9266-X	ANF-Industrie, Paris, France	9266
9277-X	American Cyanamid Company, Wayne, NJ.	9277
9282-X	Halocarbon Products Corporations, Hackensack, NJ.	9282
9283-X	Varian Associates, Palo Alto, CA.	9283
9307-X	Better Methods, Inc., Paterson, NH.	9307
9348-X	Duracell Inc., Bethel, CT [3]	9348
9348-X	Duracell Inc., Bethel, CT [4]	9348
9421-X	Taylor-Wharton, Div. of Harsco Corp., Harrisburg, PA [5].	9421
9498-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE [6].	9498
9607-X	Danforth Company, Avon, CT	9607

[1] To authorize an addition non-DOT specification fiber drum with a steel bottom and top head for shipment of nitrocellulose.

[2] To authorize those flammable solids requiring dangerous when wet label to be shipped under special condition without table.

[3] To authorize cargo-only aircraft as an additional mode of transportation.

[4] To amend exemption to ship lithium-manganese dioxide type batteries containing not more than 6 grams of lithium and up to 12 cells per battery.

[5] To authorize the manufacture of cylinders with a wall thickness of .230 inch minimum.

[6] To authorize water as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
2582-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	2582
4453-P	Douglas Explosives, Inc., Philipsburg, PA.	4453
4453-P	Laverty Supply, Inc., Indianola, IA.	4453
4884-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	4884
5038-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	5038
5206-P	Laverty Supply, Inc., Indianola, IA.	5206
5206-P	J.H. Van Amburgh Explosives, Inc., Dallas, TX.	5206
5600-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	5600
6325-P	J.H. Van Amburgh Explosives, Inc., Dallas, TX.	6325
6325-P	Douglas Explosives, Inc., Philipsburg, PA.	6325
6543-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	6543
6765-P	Messer Griesheim Industries Inc., Valley Forge, PA.	6765
6902-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	6902
7052-P	Schlumberger Well Services, Rosharon, TX.	7052
7607-P	HDR Infrastructure, Inc., Omaha, NE.	7607
7716-P	Atlas Powder Company, Dallas, TX.	7716
7835-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	7835
7997-P	Chase Bag Company, Oak Brook, IL.	7997
8156-P	Solkatronic Chemicals, Inc., Fairfield, NJ.	8156
8230-P	J.T. Baker Chemical Co., Philipsburg, NJ.	8230
8352-P	Chase Bag Company, Oak Brook, IL.	8352
8378-P	Aldrich Chemical Company, Inc., Milwaukee, WI.	8378
8453-P	J.H. Van Amburgh Explosives, Inc., Dallas, TX.	8453
8453-P	Pacific Motor Transport, Tenino, WA.	8453
8453-P	Pacific Powder Company, Tenino, WA.	8453
8489-P	Chase Bag Company, Oak Brook, IL.	8489
8554-P	Green Mountain Explosives, Inc., Bradford, VT.	8554
8554-P	Olson Explosives, Inc., Decorah, IA.	8554
8627-P	Ancor Services, Inc., Kilgore, TX.	8627
8723-P	H.L.&A.G. Balsinger, Inc., Bridgeville, PA.	8723
8931-P	Noranda Sales Corporation, Toronto, Canada.	8931
9015-P	Chase Bag Company, Oak Brook, IL.	9015
9110-P	Chase Bag Company, Oak Brook, IL.	9110
9281-P	Jet Research Center, Inc., Arlington, TX [1].	9281
9487-P	Chem-Tech, Ltd., Des Moines, IA.	9487
9498-P	Chase Bag Company, Oak Brook, IL.	9498
9617-P	Piedmont Explosives, Inc., Statesville, NC.	9617
9623-P	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	9623
9623-P	Austin Powder Company, Cleveland, OH.	9623

[1] Request party status and to authorize additional Class C explosive and to use fiberboard tubes as optional dividers.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 5, 1986.

J. Suzanne Hedgepeth,

Chief Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-17970 Filed 8-8-86; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Dated: August 4, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557-0034.

Form Number: None.

Type of Review: Extension.
Title: Fiduciary Powers.

OMB Number: 1557–0139.
Form Number: None.
Type of Review: Extension.
Title: Adjustable-Rate Mortgages.

OMB Number: 1557–0148.
Form Number: None.
Type of Review: Extension.
Title: Operating Subsidiaries.

OMB Number: 1557–0154.
Form Number: None.
Type of Review: Extension.
Title: Investment in Bank Premises or Stock of a Corporate Holding Premises.

OMB Number: 1557–0155.
Form Number: None.
Type of Review: Extension.
Title: Limitations on Payment of Dividends.

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Internal Revenue Service

OMB Number: New.
Form Number: IRS Form 8453-F.
Type of Review: New.
Title: U.S. Fiduciary Income Tax Declaration for Magnetic/Electronic Filing.

OMB Number: 1545–0090.
Form Number: IRS Forms 1040SS, 1040SS (NMI), and 1040-PR.
Type of Review: Revision.
Title: U.S. Self-Employment Tax Return, Self-Employment Tax Return Northern Mariana Islands, and Planilla Para La Declaration De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia-Puerto Rico.

OMB Number: 1545–0193.
Form Number: IRS Form 4972.
Type of Review: Revision.
Title: Special 10-Year Averaging Method.

Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 86–18025 Filed 8–8–86; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 154
Monday, August 11, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:10 pm. on Tuesday, August 5, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a recommendation regarding the Corporation's assistance agreement with an insured bank.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act' (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 — 17th Street, NW., Washington, DC.

Dated: August 6, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-18059 Filed 8-7-86; 11:02 am]

BILLING CODE 6714-01-M

2

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [51 FR 26338 JULY 22, 1986 & 51 FR 26628 JULY 24, 1986].

STATUS: Closed meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED:

Thursday, July 17, 1986.
Monday, July 21, 1986.

CHANGE IN THE MEETING: Additional meeting/items.

The following item was considered at a closed meeting scheduled on Friday, July 25, 1986, at 5:30 p.m.

Consideration of *amicus* participation.

The following additional item was considered at a closed meeting scheduled for Wednesday, July 30, 1986, at 9:15 a.m.

Institution of injunction action.

Commissioner Fleischman, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald A Schy at (202) 272-2468.

Jonathan G. Katz,

Secretary.

August 5, 1986.

[FR Doc. 86-18026 Filed 8-6-86; 8:45 am]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

Vol. 51, No. 154

Monday, August 11, 1986

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Problems with subscriptions	275-3054
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Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

27515-27810.....1
27811-28058.....4
28059-28218.....5
28219-28320.....6
28321-28508.....7
28509-28686.....8
28687-28798.....11

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3.....28509

3 CFR

Proclamations:
5514.....27515
5515.....28218

Administrative Orders:
Memorandums:
July 31, 1986.....27811
August 1, 1986.....28219

5 CFR

1201.....28321

Proposed Rules:
870.....28576
871.....28576
872.....28576
873.....28576
890.....28576

7 CFR

29.....28687
51.....27813
272.....28196
273.....28196
908.....27816, 28509
910.....28059
911.....27517
918.....27518
1064.....28687
1102.....28687
1106.....28687
1108.....28687
1126.....28687
1138.....28687
1427.....28321
1930.....27636
1944.....27636
1951.....27636
1965.....27636

Proposed Rules:
52.....28719
447.....27862
1065.....27553, 28721
1079.....27554
1136.....27866
1137.....27554
1139.....27555
1709.....28722

8 CFR

238.....28060

Proposed Rules:
214.....27867, 28576
248.....27867

9 CFR

Proposed Rules:
92.....27871

10 CFR

50.....27817, 28044
73.....27817, 27822
110.....27825

Proposed Rules:
50.....27872

11 CFR

Proposed Rules:
100.....28154
106.....28154
9001.....28154
9002.....28154
9003.....28154
9004.....28154
9005.....28154
9006.....28154
9007.....28154
9012.....28154
9031.....28154
9032.....28154
9033.....28154
9034.....28154
9035.....28154
9036.....28154
9037.....28154
9038.....28154
9039.....28154

12 CFR

207.....27518
220.....27518
221.....27518
224.....27518
303.....27826
501.....28221
522.....28221, 28690
523.....28221
741.....27522

Proposed Rules:
205.....28589
226.....28245

13 CFR

310.....27828

14 CFR

21.....28509-28525
23.....28509-28525
25.....28322
39.....27523-27527, 27828-27830, 27832, 27833, 28061-28066, 28322, 28323, 28527, 28691
71.....27833-27835, 28067, 28325, 28326, 28528
97.....28326
121.....28322
1204.....27528

Proposed Rules:
Ch. I.....28386, 28725

1 28095
36 27556
39 ..... 27557, 27874, 28386
71 28388–28390
73 28095
75 28096

15 CFR

370 28692
371 28692
373 28692
374 28692
379 28692
399 ..... 28692, 28693

16 CFR

13 ..... 28694, 28695
423 28222
444 28328
1500 28529

Proposed Rules:

13 28594

17 CFR

1 27529
5 27529
16 27529
33 27529

Proposed Rules:

231 28596
240 28096
241 28596

18 CFR

37 27835
154 ..... 27529, 28331
157 ..... 27529, 28331
270 ..... 27529, 28331
271 ..... 27529, 28068, 28331
284 ..... 27529. 28331

Proposed Rules:

271 28102

19 CFR

6 27836
101 28070

Proposed Rules:

113 27875
141 28390

20 CFR

404 28544
416 28544

Proposed Rules:

655 28599

21 CFR

74 ..... 28331, 28346
81 ..... 28331, 28346, 28363
82 ..... 28331, 28346
176 28545
193 28223
331 27762
332 27762
344 28556
357 27756
369 27756
436 27531
440 27531
442 27531
510 28546
520 28546
522 28546
546 28546
558 ..... 28546, 28547
561 28223
1308 28695

Proposed Rules:

1308 ..... 28725, 28727

22 CFR

Proposed Rules:

2a 28391

23 CFR

635 27532

24 CFR

20 28364
35 27774
200 28696
203 28548
204 28548
207 ..... 27837, 28547, 28699
221 ..... 27837, 28547
251 28699
255 28699
300 27838
390 28551
511 28703
888 28486
905 27774
965 27774
968 27774

Proposed Rules:

35 27793
203 28247
510 27793
511 27793
570 27793
590 27793

26 CFR

1 28553
20 28365
25 28365
602 28365

27 CFR

19 28071
250 28071
270 28078
275 28078
290 28078
295 28078
296 28078

Proposed Rules:

270 28106
275 28106
290 28106
295 28106
296 28106

29 CFR

1952 27534
1960 28378
2603 28379

30 CFR

931 28553
943 28554

Proposed Rules:

774 27558
910 27559
912 27559
915 28729
920 ..... 28600, 28601
921 27559
922 27559
933 27559
937 27559
939 27559
941 27559
947 27559
950 27560

32 CFR

90 28092
706 ..... 27535, 27536

33 CFR

100 28706
117 ..... 28380, 28707
140 28381
142 28381
161 27839
165 ..... 28382, 28383

Proposed Rules:

117 27877
334 28248

34 CFR

674 28312

36 CFR

Proposed Rules:

7 28107–28110
60 28204
63 28204

37 CFR

1 ..... 28052, 28555
2 ..... 28052, 28555, 28707
306 27537

39 CFR

10 28383

40 CFR

33 28710
52 ..... 27537, 27840, 27841
61 27956
65 28224
81 27843–27845
180 28225–28227
260 28664
261 ..... 28296, 28664
262 28664
263 28664
264 28556
265 28556
271 ..... 28094, 28664
761 28556

Proposed Rules:

52 ..... 27560, 27878
65 28113
85 28114
141 28730
180 ..... 28249, 28603
271 28604
716 27562
721 28119
795 27880
799 27880

41 CFR

101–40 27539

42 CFR

405 ..... 27847, 28 710
417 28569
482 27847

43 CFR

11 27674

Public Land Orders:

6620 28229
6622 28229

44 CFR

64 ..... 28230, 28232

Proposed Rules:

81 28119

45 CFR

1612 27539
2002 28384

47 CFR

22 28236
68 28237
73 ..... 27552, 28237
97 28237

Proposed Rules:

0 27566
1 27566
2 28249
21 27566
22 27566
23 27566
62 27566
73 ..... 27566, 27567
74 27566

48 CFR

1801 27848
1804 27848
1805 27848
1806 27848
1807 27848
1809 27848
1813 27848
1814 27848
1815 ..... 27848, 28574
1819 27848
1825 27848
1827 27848
1832 27848
1836 27848
1837 27848
1839 27848
1842 27848
1845 27848
1847 27848
1851 27848
1852 ..... 27848, 28574
1853 27848

49 CFR

571 28238

Proposed Rules:

173 28605
385 28607
391 27567
531 28730
1058 28249
1312 28731

50 CFR

285 ..... 28240, 28241
604 28575
630 28575
641 28094
655 28241
661 ..... 27859, 28717
671 28242
672 28385
674 ..... 27860, 28243

LIST OF PUBLIC LAWS

Last List August 8, 1986
This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 623/Pub. L. 99-373

To authorize the designation of a calendar week in 1986 and 1987 as National Infection Control Week. (Aug. 6, 1986; 100 Stat. 799; 1 page) Price: $1.00

S.J. Res. 371/Pub. L. 99-374

To designate August 1, 1986, as "Helsinki Human Rights Day." (Aug. 6, 1986; 100 Stat. 800; 3 pages) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[5] Jan. 1, 1986
4	11.00	Jan. 1, 1986
5 Parts:		
1-1199	18.00	Jan. 1, 1986
1200-End, 6 (6 Reserved)	6.50	Jan. 1, 1986
7 Parts:		
0-45	24.00	Jan. 1, 1986
46-51	16.00	Jan. 1, 1986
52	18.00	Jan. 1, 1986
53-209	14.00	Jan. 1, 1986
210-299	21.00	Jan. 1, 1986
300-399	11.00	Jan. 1, 1986
400-699	19.00	Jan. 1, 1986
700-899	17.00	Jan. 1, 1986
900-999	20.00	Jan. 1, 1986
1000-1059	12.00	Jan. 1, 1986
1060-1119	9.50	Jan. 1, 1986
1120-1199	8.50	Jan. 1, 1986
1200-1499	13.00	Jan. 1, 1986
1500-1899	7.00	Jan. 1, 1986
1900-1944	23.00	Jan. 1, 1986
1945-End	23.00	Jan. 1, 1986
8	7.00	Jan. 1, 1986
9 Parts:		
1-199	14.00	Jan. 1, 1986
200-End	14.00	Jan. 1, 1986
10 Parts:		
0-199	22.00	Jan. 1, 1986
200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	8.50	Jan. 1, 1986
200-299	22.00	Jan. 1, 1986
300-499	13.00	Jan. 1, 1986
500-End	26.00	Jan. 1, 1986
13	19.00	Jan. 1, 1986
14 Parts:		
1-59	20.00	Jan. 1, 1986
60-139	19.00	Jan. 1, 1986
140-199	7.50	Jan. 1, 1986
200-1199	14.00	Jan. 1, 1986
1200-End	8.00	Jan. 1, 1986
15 Parts:		
0-299	7.00	Jan. 1, 1986
300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986
16 Parts:		
0-149	9.00	Jan. 1, 1986
150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
17 Parts:		
1-239	26.00	Apr. 1, 1986
240-End	19.00	Apr. 1, 1986
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
***19**	29.00	Apr. 1, 1986
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	21.00	Apr. 1, 1986
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
*1300-End	6.50	Apr. 1, 1986
22	28.00	Apr. 1, 1986
23	17.00	Apr. 1, 1986
24 Parts:		
0-199	15.00	Apr. 1, 1986
200-499	24.00	Apr. 1, 1986
500-699	8.50	Apr. 1, 1986
700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
§§ 1.0-1.169	29.00	Apr. 1, 1986
§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
§§ 1.401-1.500	20.00	Apr. 1, 1986
§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	16.00	Apr. 1, 1986
§§ 1.851-1.1200	29.00	Apr. 1, 1986
§§ 1.1201-End	29.00	Apr. 1, 1986
2-29	19.00	Apr. 1, 1986
30-39	13.00	Apr. 1, 1986
40-299	25.00	Apr. 1, 1986
300-499	14.00	Apr. 1, 1986
500-599	8.00	[1] Apr. 1, 1980
600-End	4.75	Apr. 1, 1986
27 Parts:		
1-199	20.00	Apr. 1, 1986
200-End	14.00	Apr. 1, 1986
28	16.00	July 1, 1985
29 Parts:		
0-99	11.00	July 1, 1985
100-499	5.00	July 1, 1985
500-899	19.00	July 1, 1985
900-1899	7.00	July 1, 1985
1900-1910	21.00	July 1, 1985
1911-1919	5.50	[2] July 1, 1984
1920-End	20.00	July 1, 1985
30 Parts:		
0-199	16.00	July 1, 1985
200-699	6.00	July 1, 1985
700-End	13.00	July 1, 1985
31 Parts:		
0-199	8.50	July 1, 1985
200-End	11.00	July 1, 1985

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	[3] July 1, 1984
1–39, Vol. II	19.00	[3] July 1, 1984
1–39, Vol. III	18.00	[3] July 1, 1984
1–189	13.00	July 1, 1985
190–399	16.00	July 1, 1985
400–629	15.00	July 1, 1985
630–699	12.00	[2] July 1, 1984
700–799	15.00	July 1, 1985
800–999	7.50	July 1, 1985
1000–End	5.50	July 1, 1985
33 Parts:		
1–199	20.00	July 1, 1985
200–End	14.00	July 1, 1985
34 Parts:		
1–299	15.00	July 1, 1985
300–399	8.50	July 1, 1985
400–End	18.00	July 1, 1985
35	7.00	July 1, 1985
36 Parts:		
1–199	9.00	July 1, 1985
200–End	14.00	July 1, 1985
37	9.00	July 1, 1985
38 Parts:		
0–17	16.00	July 1, 1985
18–End	11.00	July 1, 1985
39	9.50	July 1, 1985
40 Parts:		
1–51	16.00	July 1, 1985
52	21.00	July 1, 1985
53–80	23.00	July 1, 1985
81–99	18.00	July 1, 1985
100–149	18.00	July 1, 1985
150–189	13.00	July 1, 1985
190–399	19.00	July 1, 1985
400–424	14.00	July 1, 1985
425–699	13.00	July 1, 1985
700–End	8.00	July 1, 1985
41 Chapters:		
1, 1–1 to 1–10	13.00	[4] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[4] July 1, 1984
3–6	14.00	[4] July 1, 1984
7	6.00	[4] July 1, 1984
8	4.50	[4] July 1, 1984
9	13.00	[4] July 1, 1984
10–17	9.50	[4] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[4] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[4] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[4] July 1, 1984
19–100	13.00	[4] July 1, 1984
1–100	7.50	July 1, 1985
101	19.00	July 1, 1985
102–200	8.50	July 1, 1985
201–End	5.50	July 1, 1985
42 Parts:		
1–60	12.00	Oct. 1, 1985
61–399	7.00	Oct. 1, 1985
400–429	16.00	Oct. 1, 1985
430–End	11.00	Oct. 1, 1985

Title	Price	Revision Date
43 Parts:		
1–999	10.00	Oct. 1, 1985
1000–3999	18.00	Oct. 1, 1985
4000–End	8.50	Oct. 1, 1985
44	13.00	Oct. 1, 1985
45 Parts:		
1–199	10.00	Oct. 1, 1985
200–499	7.00	Oct. 1, 1985
500–1199	13.00	Oct. 1, 1985
1200–End	9.00	Oct. 1, 1985
46 Parts:		
1–40	10.00	Oct. 1, 1985
41–69	10.00	Oct. 1, 1985
70–89	5.50	Oct. 1, 1985
90–139	9.00	Oct. 1, 1985
140–155	8.50	Oct. 1, 1985
156–165	10.00	Oct. 1, 1985
166–199	9.00	Oct. 1, 1985
200–499	15.00	Oct. 1, 1985
500–End	7.50	Oct. 1, 1985
47 Parts:		
0–19	13.00	Oct. 1, 1985
20–69	21.00	Oct. 1, 1985
70–79	13.00	Oct. 1, 1985
80–End	18.00	Oct. 1, 1985
48 Chapters:		
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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.

[3] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[4] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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